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IN
New-England,

Revised and Reprinted,

By Order of the General Court holden at *BOSTON*,
May 15*th*, 1672.

Edward Rawson, Secr.

Whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, receive to themselves Damnation. Rom. 13. 2.

Cambridge in *New-England*,

Printed by *Samuel Green*, for *John Usher* of *Boston*, and to be sold by *Richard Chiswel*, at the Rose and Crown in St. *Paul's* Church-yard, *London*, 1675.

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A Summary of the LAWS foregoing Alphabetically Digested;

Wherein P. ſtandeth for Page, and S. for Section;
For the right Improvement whereof, the Reader muſt ſupply the figures of ſome Sections in the Laws, where they are omitted.

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Several Laws and Orders made at the

GENERAL COURT,

Holden at Boston the 15th. of May

1672.

And Printed by their Order.

Edward Rawson Secr.

JURIES VERDICT.

THis Court being desirous to prevent all Dissatisfaction and Inconveniencies that may arise in the Tryal of Civil Cases in Inferiour Courts, sometimes happening by reason of Disagreement between the Bench and Jury formerly allowed by Law;

Do Order and Enact; That henceforth in all County Courts, after that the Bench have used all reasonable endeavours for clearing the case to the Jury, by declaring the law, and comparing the matter of Fact and Damage proved therewith, the Verdict of the Jury finally given, shall be accepted, and Judgement accordingly Entred: And in like manner shall the proceeding be in the Court of Assistants, unless upon apparent corruption or errour in the Jury giving in their Verdict contrary to Law or Evidence, the party cast shall in open Court Attaint the Jury, and give sufficient Bond and Sureties within twelve hours after the Verdict is accepted, to prosecute the said Jury at the next Court of Assistants, in an Action of Attaint, in which Case Execution shall be respited, and the Clerk of that Court shall Summon a Jury of *twenty four* Able and Discreet men chosen as the Law Directs, to attend the service of the Court, where the said Action of Attaint shall be tryed in the first place, and if on tryall of the case, there shall be found manifest Error or Mistake, the party Complayning shall be Repayed his full damage from the other party

Juryes Verdict to be Read and not refused.

Plaintiff and Defendants liberty to Attaint the jury in Case

to the Original Suit and if by the said Jury of twenty four, there be found Bribery, Conspiracie, or other Corruption, in the Jury attainted, they shall be punished by *Fine* or *Imprisonment*, proportionable to the degree of their Offence; And if otherwise, the twenty four Jurors shall acquit the former Jurors accused, they shall be allowed double Costs from the party accusing, and their Verdict and the Judgement of the former Court shall stand good, and execution shall be Issued forth accordingly; And that Clause in the Law, allowing the Magistrates not to Concur with, or refuse the Verdict of the Jury is hereby Repealed.

Juryes attainted how Tryed.

SURETIES.

FOr Explanation of, and Addition to the Law tit. Sureties and goods Attached, *where it is provided that Sureties as well as Principalls shall be Responsible for one month to pay the Debt, unless he or they Surrender the Principal into the hands of the Marshall or Deputy, but no way provided in the said Law how the Suretyes may be compelled thereunto;*

It is therefore Ordered, and hereby Declared, That in such Case the Party and Sureties being called and the Bond declared forfeited upon non-appearance, the Case shall proceed to hearing, and Judgement at the same Court, as in case of the Defendants non-appearance upon Attachment of Goods: And if the Case be found for the Plaintiff, that Judgement be granted against him and his Suretyes, and Execution be Issued out accordingly, and to be in force against the Sureties as well as the Principall, for one month after Judgement given, as the said Law Intends.

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Execution to Issue out against Suretyes.

No strong Liquor to Workmen.

WHereas there have been sundry and frequent complaints preferred to this Court, of Oppression by Excessive wages of Workmen and Labourers, which notwithstanding the endeavours of this Court to redress; such oppressions continue and further increase, by a dangerous Imposition of such persons on those they work and labour for, by demanding an allowance of Liquors or wine every day over and above their wages, without which it is found by too sad experience many refuse to work; Now forasmuch as such a practice of drinking liquors and wine, tends much to the rooting young persons in an evil practise, and by degrees to trayn them up to an habit of excess;

It is therefore Ordered by this Court and by the Authority thereof, and be it hereby Enacted; That if any person or persons after the publication hereof, shall give wine or strong liquors to any workmen or boyes that work with them, except in cases of necessity, shall pay *twenty shillings* for every such Offence. *This*

Law prohibiting Wine or strong Liquors to workmen.

MILITARY.

THis Court taking into thir ſerious Conſideration the weight and neceſſity that lyeth on them, to ſee that all Souldiers, *(eſpecially at ſuch a ſeaſon as this) ſhould be fitted with* Armes, *and well skilled to uſe them; And becauſe the welfare of each Military Troop and foot Company, both in their being provided with, and knowledge of their uſe of Armes, lyeth very much in the Clerk of each Companyes carefull and faithfull obſervation and execution of his Office, in the ſeaſonable and due levying of ſuch Fines as are by Law due for defects, the neglect whereof too ſad experience ſheweth, hath done very great hurt in many Companyes, for preventing ſuch Inconveniencies for the Future;*

This Court doth Order, That what Fines ſhall be due according to Law from any Souldier for defect, in either Armes or Traynings, which the Clerk or Clerks of the ſaid Troop or Company ſhall not leavie and gather into his hands, within one Moneth after the Training day on which the ſaid defect is made, it ſhall be in the power of the Captain or chief Officer of that Troop or Foot Company to ſend the Marſhal or Conſtable with an Execution, and leavie the ſaid Fines upon the Eſtate of any ſuch Clerk or Clerks ſo defective, unleſs the ſaid Clerk can make it appear to the Captain, that he or they have been hindred either by ſickneſs or the abſence of the perſon delinquent being out of Town.

Souldiers fines to be gathered by the Clerk of Troops or Foot Companies within a month or to be leavied on themſelves

And it is further Ordered; That the Clerk or Clerks of every Military Troop or Company ſhall once in ſix Moneths render a particular account to the Captain or chief Officer, of all ſuch fines as are leavied by the ſaid Clerk, that the ſame may be diſpoſed of for the good of the Company according to Law.

THis Court conſidering our own ſtate as to Fortification, *how that our Forts and Artillery belonging to the Country, both in this Town of* Boſton, Charlstown, Salem *and* Marble head *do need much to repair them, that they may be fit for ſervice if God ſhould call thereunto;*

Do therefore Order; That each of the Towns above-mentioned ſhall be allowed what they are Rated to the Country-Rate for this next year, for, and towards the finiſhing and repairing the ſeveral Forts there, and that each of their Rates be committed into the hands of the Committee of Militia in each of the aforeſaid Towns, by them ſpeedily to be improved for the uſe aboveſaid.

Further allowance to Boſton Charlstown, Salem and Marble head for Fortification

WHereas divers Souldiers, who by Law are commanded to attend Military Exerciſe upon Training dayes in the Towns where they live, not having any viſible Eſtate whereon the Clerk of of the Company unto which they do belong can leavie the fine due by Law, when they are delinquent either in Arms or Trainings, do often neglect the duty in both keeping Arms and Trainings, and do thereupon carry it boldly and provoakingly to the Clerk and other officers; For prevention whereof:

It is Ordered by this Court and the Authority thereof; That it ſhall

be in the power of the Commiſſion Officers of each Company, or ſuch of them as are preſent at the next Training day after ſuch offence is committed, to puniſh ſuch perſon offending as aboveſaid, who hath not ſatisfied the Clerk according to Law, by any Military puniſhment according to the aggravation of the Crime, by either Riding the Wooden Horſe, or by Bilboes,, or lying Neck and Heels, or acknowledgement at the Head of the Company, or any puniſhment according to Military Diſcipline, at the Diſcretion of the Commiſſion Officer or Officers preſent.

Souldiers neglect of Arms & training with their Contempt of Officers how puniſhed

And in caſe any ſuch Delinquent ſhall abſent himſelf from Training two dayes together, that then it ſhall be in the power of the chief Officers, and they are hereby enjoyned by Warrant directed to the Conſtable of that Town, to convent ſuch Offender before him, and to proceed with him as in this Order is provided, and all Conſtables are hereby Ordered to attend their duty herein.

Book-Debts.

WHereas by the Law made May *1669. reſpecting Book-debts; It is Declared, that all Book-Debts ſhall be cleared within three years, as is therein expreſſed, after which time no Book-Debt ſhall be pleadable in any Court: Upon a general complaint, that the ſaid Law will prove to the real detriment of very many of our Inhabitants, and the utter undoing of ſome if a greater number of years be not allowed to ſhut up Accompts;*

Three years further added relating to Book-debts

It is therefore Ordered, and is hereby Declared; That there ſhall be three years more added for the advantage of *D*ebtors and Creditors to iſſue their Accompts, that all grounds of complaint in this kinde may be removed.

BURGLARY.

WHereas in the Law tit. *Burglary, it is expreſſed if any perſon ſhall commit Burglary by breaking open any Dwelling Houſe;*

Addition to the Law tit. Burglary

It is Ordered by this Court and the Authority thereof, as an Addition to that Law; That if any perſon ſhall break up any Ware houſe, Shop, Mill, Malt-houſe, Barn or Out-houſe, or any Veſſel on any Shoar, or in any Cove, Creek, or upon the Water, ſuch perſon ſo offending, ſhall be puniſhed as the Law provides in caſe of breaking up *D*welling houſes.

Leather.

HIDES.

WHereas the Law tit. Leather *in the latter end of the firſt* Sect. *doth reſtrain all perſons except Tanners to Bargain for, or buy any Hides of Bull, Steer, Oxe Cow, &c. being inconvenient in regard they are many times given in Barter for Shoos, &c.*

Hides to be purchaſed by any

The ſaid Clauſe in that Law, by the Authority of this Court is hereby Repealed.

WHereas the Laws already made to prevent the Tranſportation of the Hides of the growth of this Colony, do not reach the End, for want of a full and due Execution;

This Court doth therefore Authorize and appoint the Freemen of every Seaport Town within this Juriſdiction, to Choſe a meet and ſufficient perſon from amongſt themſelves yearly, to whom all perſons ſhall repair who intend the tranſporting of any Raw or Ruſſe Hides, and ſhall make proof whence ſuch Hides ſo to be tranſported came, and that they are not of the growth of, nor killed in this Colony, and ſhall take a note from the perſon ſo Authorized of the number of Hides that he intends to tranſport, paying one penny to the aboveſaid perſon for every ſuch Hide.

Hides of the Countries growth not to be tranſported out of the Juriſdiction on penalty &c.

And it is hereby Ordered, That no perſon ſhall ſhip or tranſport any Hides whatſoever out of this Juriſdiction, without licenſe from the perſon ſo Authorized, upon penalty of looſing of ſuch Hides ſo ſhipped: nor ſhall any Maſter, Puſſer or any other perſon belonging to any Ship or Veſſel within this Colony, receive on Board any Raw or Ruſſe Hides without a Note or Ticket from the perſon ſo appointed firſt appearing, upon the penalty of paying *ten ſhillings* for every Hide ſo ſhipped: And ſuch perſon Authorized as aboveſaid, ſhall have power by himſelf or whom he ſhall appoint, to make ſearch in any Ship or Cask, wherein they ſuſpect any Hides to be Laden contrary to this Order, and ſhall make ſeizure thereof, and the penalties and forfeitures above-mentioned ſhall be the one third to the ſeizer, one third to the Country, and one third to the Town from whence ſuch Hides are ſhipt.

And it is further Ordered, that the perſons choſen as aboveſaid, ſhall be ſworn to a faithful diſcharge of their duty herein.

INDIANS PORK.

WHereas the Indians that border upon the Engliſh Towns within this Juriſdiction, do frequently ſell Pork to the Engliſh, and there is ground to ſuſpect that ſome of the Indians do ſteal and ſell the Engliſh mens Swine; For prevention whereof;

This Court doth Order and Enact, That all Engliſh men do henceforth mark their Swine with ſome Ear-mark, or if they neglect the ſame, it

ſhall be reckoned as the loſs of their propriety in them.

Order to prevent Indians ſtealing Engliſhmens Swine

And it is further Ordered; That no Indian within this Juriſdiction ſhall mark any Swine upon the Ears, and that all Indians who bring Pork unto the Engliſh to ſell, are required to bring with them the Swines Ears whole, otherwiſe, or if the ears be marked, it is in the liberty of any perſon to ſeize upon ſuch Pork tendred to ſell, and the ſame to be forfeited, the one half to the Seizer, the other half to the poor of the place where it is ſeized, to be diſtributed by the Select-men to them:

And it is further Ordered; That this Law be forthwith Printed, Publiſhed and Declared to all the Indians within this Juriſdiction in the Indian Language, that they may attend the ſame; And this Law to take place and commence eight Moneths afrer publication hereof.

SCOLDES.

WHereas there is no expreſs puniſhment (by any Law hitherto eſtabliſhed) affixed to the evil practiſe of ſundry perſons by Exorbitancy of the Tongue, in Railing and Scolding;

It is therefore Ordered; That all ſuch perſons convicted before any Court or Magiſtrate, that hath proper cognizance of the caſe, ſhall be Gagged, or ſet in a Ducking-ſtool, and dipt over Head and Ears three times in ſome convenient place of freſh or ſalt-water, as the Court or Magiſtrate ſhall Judge meet.

Puniſhment for Railing or Scolding

Reſolation of a Queſtion as to Fraight

Whether S ſhipping Goods upon B to be delivered to R beyond the Sea, the ſaid R paying fraight, and the ſaid B upon his arrival at the Port tendring the ſaid Goods to R, and the ſaid R refuſing to meddle with the ſaid Goods and to pay fraight, whether the ſaid B can recover his fraight for the ſaid Goods of the ſaid S, the ſaid Good being left in a ſafe hand by good advice by the ſaid B, or whether the ſaid B ought not to have ſatisfied himſelf for his fraight out of the ſaid Goods without moleſting the ſaid S? The Court reſolves this Queſtion, that S is not liable to pay fraight unto B, but B to ſatisfie himſelf for the fraight out of the Goods.

Where reviews are to be tryed.

Whether all Reviews are to be Entred and Proſecuted in that Court where the Action was at firſt commenced? The Court reſolves the Queſtion on the Affirmative.

Whether upon an Action of Review, the Coſts of former Courts where the Action hath been tryed, ſhall be granted for whom Judgement is given? The Court Reſolves this on the Negative.

Poſſeſſion according to Law gives title, &c.

Whether the Law *tit. Poſſeſſions* intend the confirmation of Land to the Poſſeſſor, where the Graunt of the ſaid Land was to another perſon, and the Poſſeſſor nothing to ſhow for the Allienation thereof but his Poſſeſſion according to that Law? The Court reſolves this on the Affirmative.

FINIS.

THE GENERALL LAWS OF THE *MASSACHUSETS* COLONY,

REVISED AND PUBLISHED, BY ORDER OF THE

GENERAL COURT

in *October 1658.*

FOraſmuch as the free fruition of ſuch Liberties, Immunities, Priviledges, as Humanity, Civillity and Chriſtianity call for, as due to every Man in his Place and Proportion, without Impeachment and Infringement, hath ever been, and ever will be, the Tranquility and Stability of Churches and Common-wealth, and the denyall or deprival thereof, the diſturbance, if not ruine of both.

The civil priviledges of the Inhabitants of this Colony.

It is therefore Ordered by this Court and the Authority thereof, That no mans life ſhall be taken away, no mans Honour or good Name ſhall be ſtained, no mans perſon ſhall be arreſted, reſtrained, baniſhed, diſmembred, nor any wayes puniſhed; no man ſhall be deprived of his wife or children, no mans goods or eſtate ſhall be taken away from him, nor any wayes indamaged, under colour of Law, or countenance of Authority, unleſs it be by virtue or equity of ſome expreſs Law of the Country warranting the ſame, eſtabliſhed by a General Court, and ſufficiently publiſhed; or in caſe of the defect of a Law, in any particular caſe, by the word of God. And in Capital Caſes, or in Caſes concerning diſmembring, or baniſhment, according to that word, to be judged by the Generall Court. [*1641.*]

Ability. Age.

Age of diſcretion.

Liberty to diſpoſe Eſtate.

IT is Ordered by this Court and the Authority thereof; That the age for paſſing away Lands, or ſuch kinde of Hereditaments, or for giving of Votes, Verdicts or Sentences in any civil Courts or cauſes, ſhall be one and twenty years, but in chuſing Guardians, fourteen years. And all perſons of the age of one and twenty years, as aforeſaid, and of underſtanding and memory, whether excommunicate, condemned, or other, ſhall have full power and liberty, to make their Wills and Teſtaments, and other lawfull Alienations of their Lands and Eſtates. [*1641. 47.*]

Age for Plantiffs and Defendants.

Age for Plaintiff and Defendant.

IT is Ordered by this Court and the Authority hereof, that the age for *Plantiffs* and *Defendants* in civil Cases, before any Magistrate, Commissioner or Court of Judicature, shall be twenty one years of age, and for all persons under that age, their *Parents*, *Masters*, and *Guardians* as they shall see meet shall plead and defend their right and interest, as the matter may require; and in all Criminal cases, every person younger as well as elder, shall be liable to answer in their own persons, for such misdemeanours as they shall be accused of, and may also inform and present any misdemeanour to any Magistrate, Grand-jury-man, or Court, any Law, Custome or Usage to the contrary notwithstanding. [*1668.*]

Actions.

Actions when tryable.

IT is Ordered by this Court and the Authority thereof; That all Actions of Debt, Accounts, Slander, and Actions of the Case concerning Debts and Accounts, shall henceforth be tryed, where the Plaintiffe pleaseth, so it be in the Jurisdiction of that Court, where the Plaintiffe or defendant dwelleth, unless by consent, under both their hands it doth appear, they would have the case tryed in any other Court. All other Actions shall be tryed, within that Jurisdiction where the cause of the Action doth arise.

2. Whereas sundry Inconveniences do arise, by reason that Plaintiffs in Civil Cases do delay to Enter their Actions, to the great expence of much precious time, and damage to the Publick:

Rule for entry of Actions.

This Court doth therefore Order, That henceforth no Action shall be Entred after the first day of the Court is ended. And in case any Plaintiff shall delay his Entry longer then the first Forenoon of the Courts sitting, every such person or persons shall pay double Entry-money. And all persons, whether Parties or Witnesses, are enjoyned to attend their respective Concerns in every Court of Justice, as well the first Forenoon of the Court, as afterwards; and shall present the whole Plea and Evidence before the Case be committed to the Jury, and no after-Plea or evidence shall be admitted to any person, Any Law, Usage or Custome to the contrary notwithstanding. And for that end, all Marshalls and Constables are enjoyned to make their Returns of Attachments by them served, sometime the first Forenoon of the Court that is to take cognizance of the Case concerned therein. Provided, That the double Entry-money be paid by him that so neglects his Entry, and not put the Defendant to unnecessary charge through his default. [*1665.*]

Actions of trespass under forty shillings.

3. In all Actions of Trespass, where Damage shall be pretended, above *Forty shillings*, and yet on the hearing thereof, it shall appear to the Court to come under that value, in all such Cases, the Plaintiffe shall lose his Action, and pay the Defendant cost.

Fees for Entry of Actions.

4. Every Person impleading another, in any Court of Assistants or County Court, shall pay the sum of *ten shillings*, before his Case be Entred; and for every Action of above *forty shillings* value, tryable before the Commissioners of *Boston*, *ten shillings*; and for all Actions under *forty shillings*, tryable before the said Commissioners. one Magistrate, or the three Commissioners, for ending small Causes, *ten Groats*, unless the Court see cause to admit any to Sue *in forma pauperis*. [*1642. 52.*]

A. 52. p. 7.

5. And

5. And where the Debt or Damage recovered, ſhall amount to *Ten pounds*, in every ſuch caſe to pay *five ſhillings* more; and where it ſhall amount to *Twenty pounds* or upward, there to pay *ten ſhillings* more then the firſt *ten ſhillings*; which ſaid additions, together with the charge of the Entry of the Action, ſhall be put to the judgement and execution, to be leavied by the Marſhall, and accounted to the reſpective Treaſurers to whom it appertaineth. [*1647.*]

Addition of fees of Actions.

6. *Whereas the Country is put to great Charge, by this Courts attending Suits Commenced or Renewed by Petition or Review.*

It is Ordered that in all ſuch caſes; if it appear to the Court, that the Plaintiffe had no juſt cauſe of any ſuch proceeding, the ſaid Plaintiffe ſhall bear the whole charges of the Court, both for time and expences, which they ſhall judge to be expended by his occaſion; and may further impoſe a fine upon him, as the merit of the cauſe ſhall require; but if they finde the defendant in fault, they ſhall impoſe the juſt charges upon ſuch defendant.

Actions brought to the General Court to bear the charge of the Court.

7. And in all Actions brought to any Court, the Plaintiffe ſhall have liberty to withdraw his Action or to be non-ſuited, before the Jury have given in their verdict; in which caſe, he ſhall alwayes pay full coſts and charges to the defendant, and may afterward reniew his Suit at another Court. [*1641.*]

Plaintiff liberty to withdraw his Action.

8. And it is Ordered, that no man in any Suit or Action againſt another, ſhall falſely pretend great Damages or Debts, to vex his Adverſary; and in all caſes where it appears to the Court, that the Plaintiffe hath willingly and wittingly done wrong to the Defendants in commencing and proſecuting any Action, Suit, Complaint or Inditement, in his own name, or in the name of others, he ſhall pay treble damages to the party grieved, and be fined *Forty ſhillings* to the common Treaſury. [*1641. 46.*]

L. 1. p. 16. 49

Vexatious Suits to pay treble damage and be fined 40. ſhill.

APPEAL.

IT is Ordered by this Court and the Authority thereof: That it ſhall be in the liberty of every man caſt, condemned or Sentenced in any Inferiour Court, to make his Appeal to the Court of Aſſiſtants: as alſo to appeal from the ſentence of one Magiſtrate, or other perſons deputed to hear and determine ſmall cauſes, unto the ſhire Court of each Juriſdiction, where the cauſe was determined. Provided they tender their Appeal, and put in ſecurity before the Judges of the Court, to proſecute it to effect, and alſo to ſatisfie all damages, before execution granted; which ſhall not be till twelve hours after Judgement, except by ſpecial order of the Court. And if the cauſe be of a criminal nature; then alſo to put in ſecurity for the good behaviour and appearance at the ſame time: and if the point of appeal, be in matter of Law, then to be determined by the Bench, if in matter of fact by the Bench and Jury. And if in the Court of Aſſiſtants, two of five, three of ſeven, or ſuch a proportion of the Magiſtrates then preſent, ſhall actually diſſent from the ſentence of the Court in any Capitall offence, it ſhall then be in the liberty of the party ſentenced, to appeal to the next General Court.

Liberty to appeal

before Execution.

In criminal caſes to be bound to the good behaviour.

Appeals to the General Court.

L. 2. p. 1.

Appealant to give his reaſons ſix dayes before.

A. 51. p. 1.

Not proſecuting an Appeal, forfeit forty ſhill.

2. It is further Ordered; That all Appeals with the ſecurity as aforeſaid, ſhall be recorded at the charge of the party Appealing, and certified unto the Court, to which they are made. And the party Appealing, ſhall briefly in writing (without reflecting on Court or Parties, by provoking Language) under his own or his Atturnies hand, give in to the Clerk of the Court from which he did Appeal, the Grounds and Reaſons of his Appeal, ſix dayes before the beginning of the Court, to which he did Appeal; to which Court the ſaid Clerk ſhall return the ſaid writing, and give copies thereof to the Defendant if he deſire the ſame. And whoſoever ſhall Appeal from the Sentence of any Court, and not proſecute the ſame to effect, according to Law, ſhall beſides his Bond to the party, forfeit to the Country, the ſum of *Forty ſhillings* for every ſuch neglect.

A. 43. p. 19.

No Judge Appealed from, may judge the action of Appeal.

A. 54. p. 2.

Errour may be rectified, with reverſing the former judgement.

3. *And for a more clear and equal hearing and determining all Caſes of Appeal*; It is Ordered, That no perſon that hath ſate as Judge, or voted in any inferiour Court, in that caſe he is Appealed from, ſhall have any vote in the Superiour Court Appealed to, but the caſe ſhall be determined by ſuch as are no wayes engaged in the ſame, by Judging or Voting formerly: Provided there be more Magiſtrates Appealed to, then thoſe that ſate in the Court Appealed from. And in all caſes of Appeal, the Court Appealed to ſhall Judge the caſe, according to former Evidence, and no other, rectifying what is amiſs therein; and where the matter of fact is found to agree with the former Court, and the Judgement according to Law, not to revoke the Sentence or Judgement, but to abate or increaſe damages, as ſhall be judged right; any uſe or cuſtome to the contrary notwithſtanding. [*1642.47.49.50.53.54.*]

Appeal from the Aſſociate Court in Dover and Portſmouth tryable.

ON a motion of the Deputies of Dover *and* Portſmouth, *in behalf of moſt of the Freemen there, That whereas they have power in their Aſſociate Courts to try any Caſe under* Twenty pounds, *and finding no Law where they may Appeal, but to the Court of Aſſiſtants, the Actions being many times very ſmall, and is great charge to come to* Boſton *for every ſmall Caſe, it is their deſire, that the Court would grant them an Order, that any perſon caſt or condemned, may Appeal to the County Court held in* Dover *or* Portſmouth, *and that ſome perſons may have Magiſtratical Power in that County as formerly*:

The Court judgeth it meet to grant their requeſt; And it is Ordered that henceforth it ſhall be in the liberty of Plaintiffe and Defendant, in all Caſes tryable, before the Court of Aſſociates in *Portſmouth* and *Dover*, to Appeal to their next County Court in *Dover* or *Portſmouth*, as in other caſes, any cuſtome or uſage to the contrary notwithſtanding. [1670.]

Appearance. Non-appearance.

Immunity from puniſhment in caſe of inevitable obſtruction.

IT is Ordered by this Court and the Authority thereof; That no man ſhall be puniſhed for not appearing at or before any Civil Aſſembly, Court, Council, Magiſtrate or Officer, nor for the omiſſion of any Office or Service; if he ſhall be neceſſarily hindred, by any apparent Act or Providence of God, which he could neither foreſee nor avoid; Provided that this Law ſhall not prejudice any perſon of his juſt coſt and damage in civil action. [*1641.*]

APPAREL.

ALthough ſeveral Declarations and Orders have been made by this Court, againſt exceſs in Apparel, both of Men and Women, which have not taken that effect as were to be deſired, but on the contrary; we cannot but to our grief take notice, that intollerable exceſs and bravery hath crept in upon us, and eſpecially amongſt people of mean condition, to the diſhonour of God, the ſcandall of our profeſſion, the conſumption of Eſtates, and altogether unſuitable to our poverty: and although we acknowledge it to be a matter of much difficulty, in regard of the blindneſs of mens minds, and the ſtubborneſs of their wills, to ſet down exact Rules to confine all ſorts of perſons; yet we cannot but account it our duty, to commend unto all ſorts of perſons, the ſober and moderate uſe of thoſe bleſſings, which beyond expectation, the Lord hath been pleaſed to afford unto us in this wilderneſs, and alſo to declare our utter deteſtation and diſlike, that men or women of mean condition, ſhould take upon them the garb of Gentlemen, by wearing Gold or Silver lace, or Buttons, or Points at their knees, or to walk in great Boots; or Women of the ſame rank to wear Silk or Tiffiny hoods, or Scarfes, which though allowable to perſons of greater Eſtates, or more liberal education, yet we cannot but judge it intollerable in perſons of ſuch like condition: A. 51. p 5.

Exceſs in Apparel prohibited.

It is therefore Ordered by this Court and the Authority thereof; that no perſon within this Juriſdiction, nor any of their relations depending upon them, whoſe viſible eſtates real and perſonal, ſhall not exceed the true and indifferent value of *two hundred pounds*, ſhall wear any Gold or Silver lace, or Gold and Silver Buttons, or any bone lace above two ſhillings *per yard*, or ſilk hoods, or ſcarfs, upon the penalty of *ten ſhillings* for every ſuch offence, and every ſuch delinquent to be preſented by the Grand-jury; *And foraſmuch as diſtinct and particular rules in this caſe ſuitable to the eſtate or quality of each perſon cannot eaſily be given:* It is further Ordered by the Authority aforeſaid, that the Select Men of every Town, or the Major part of them, are hereby enabled and required from time to time, to have regard, and take notice of Apparel of any of the Inhabitants of their ſeverall Towns reſpectively, and whoſoever they ſhall jndge to exceed their ranks and abilities, in the coſtlineſs or faſhion of their Apparel in any reſpect, eſpecially in the wearing of Ribbonds or great Boots, (Leather being ſo ſcarce a commodity in this Country) Lace, Points, &c. Silk Hoods, or Scarfes, the Select men aforeſaid ſhall have power to aſſeſs ſuch perſons ſo offending in any of the particulars above mentioned in the Country Rates, at *two hundred pounds eſtates*, according to that proportion that ſuch men uſe to pay to whom ſuch Apparrel is ſuitable and allowed, Provided this Law ſhall not extend to the reſtraint of any Magiſtrate or publick Officer of this Juriſdiction, their Wives and Children, who are left to their diſcretion in wearing of Apparel, or any ſetled Military Officer, or Souldier in the time of Military ſervice, or any other whoſe education and imployment have been above the ordinary degree, or whoſe eſtate have been conſiderable, though now decayed. [*1651.*]

As an Addition to the Laws about Apparel.

WHereas exceſs in Apparel amongſt us, unbecoming a Wilderneſs-condition, and the profeſſion of the Goſpel, whereby the Riſing Generation are

in danger to be Corrupted and Effeminated; which practiſes are witneſſed againſt by the Laws of God, and ſundry Civil and Chriſtian Nations:

Addition to the Law for Apparel

It is therefore Ordered and Enacted by this Court, and the Authority thereof, That all perſons within this Juriſdiction, whether the Children, or Servants that are under government in Families, that ſhall wear any Apparel exceeding the quality and condition of their Perſons or Eſtate, or that is apparently contrary to the ends of Apparel; and either of theſe to be ſo judged by the Grand-jury and County Court of that Shire where ſuch complaint or preſentment is made: All ſuch perſons being Convicted, ſhall for the firſt offence be Admoniſhed; for the ſecond offence pay a fine of twenty ſhillings; for the third offence, forty ſhillings, and ſo following, as the offences are multiplied, to pay forty ſhillings a time to the Treaſury of that County. Alſo if any Taylor ſhall make or faſhion any Garment for ſuch Children or Servants under government as aforeſaid, contrary to the mind and order of their Parents or Governours; every ſuch Taylor ſhall for the firſt offence be Admoniſhed; and for the ſecond offence, forfeit double the value of ſuch Apparel or Garment as he ſhall faſhion or make, contrary to the minde and order of their Parents or Governours; half to the Owner, and half to the Country. And all Grand-jury men are hereby enjoyned to Preſent all thoſe whom they do judge breakers of this Order. [*1662*]

ARRESTS.

None to be kept in priſon for debt that have not to ſatisfie.

IT is Ordered by this Court and the Authority thereof; That no mans perſon ſhall be Arreſted or Impriſoned for any Debt or Fine, if the Law can finde any competent means of ſatisfaction, otherwayes from his eſtate, (except in ſpecial Contracts, as in the Law of Payments) And if not, his perſon may be Arreſted and Impriſoned, where he ſhall be kept at his own charge, not the Plaintiffs, till ſatisfaction be made, unleſs the Court that had cognizance of the cauſe, or ſome ſuperiour Court ſhall otherwiſe determine; provided nevertheleſs, that no mans perſon ſhall be kept in priſon for debt, but when there is an appearance of ſome eſtate which he will not produce, to which end, any Court or Commiſſioners Authorized by the General Court may Adminiſter an Oath to the party, or any other ſuſpected to be privy in concealing his eſtate, but ſhall ſatisfie by ſervice if the Creditor require it; but ſhall not be ſold to any but of the Engliſh Nation. [*1641. 47.*]

The Keepers diſcharge of Priſoners in Caſe.

It is Ordered, That when any perſons are Committed to Priſon in any Civil Action, the Keepers of the Priſon ſhall not ſtand charged with their ſupply of Victuals, or other Neceſſaries. And in caſe the Priſoner hath no Eſtate, and will be depoſed before any Magiſtrate, that he is not worth five pounds, the Plaintiff ſhall provide for his relief, or otherwiſe the Keeper ſhall not ſtand charged with him: and all ſuch charges the Plaintiff ſhall have power to levy with the Execution, before the party be delivered from Priſon.

Complaint

Complaint being made to this Court, of abuſe offered to Juſtice, through liberty granted, by the Keepers of the Priſons, to ſuch perſons as ſtand Committed for payment of fines, and on Execution granted in Civil Caſes:

This Court do Order; That no perſon or perſons Committed as aboveſaid, ſhall be permitted by the Keeper of the Priſon, to go at liberty without the precincts of the Priſon, but by the Licenſe of the Court that Committed him, or of the Creditor for whom Execution is granted; on penalty of paying the fine impoſed, and ſatisfaction of the Execution in any Civil Caſe. [*1662*]

Keepers of priſoners danger.

IT is Ordered, that the Keeper of the Priſon for the time being, ſhall henceforth have the ſame liberty that the Marſhall hath in all Civil Caſes; to take ſufficient Bayle after Commitment, as the Marſhall might before Commitment. [*1662.*]

Keepers liberty to take Baile.

Attachments. Summons.

IT is Ordered by this Court and Authority thereof; That it ſhall be the liberty of every Plaintiff, to take out either Summons or Attachments againſt any Defendant; Provided no Attachment ſhall be granted in any Civil Action, to any Forreigner, againſt a ſetled Inhabitant in this Juriſdiction, before he hath given ſufficient ſecurity or caution, to proſecute his Action, and to anſwer the Defendant ſuch coſts, as the Court ſhall award him.

L. 2. p. 12.

Plaintiffs liberty to take Summons or Attachments.

Forreign Plaintiffs to put in ſecurity.

1. And it is further Ordered that in all Attachments of Goods and Chattels, or of Lands and Hereditaments, legal notice ſhall be given to the party, or left in writing at his houſe or place of uſual abode, otherwiſe the ſuit ſhall not proceed; notwithſtanding, if he be out of this Juriſdiction, the cauſe ſhall then proceed to tryal, but Judgement ſhall not be entred before the next Court, and if the Defendant do not then appear, Judgement ſhall be entred, but Execution ſhall not be granted before the Plaintiff hath given ſecurity to be reſponſal to the Defendant, if he ſhall reverſe the Judgement within one year, or ſuch further time as the Court ſhall limit.

Execution reſpited.

2. And it is hereby Declared, that no Summons, Pleading, Judgement, or any kinde of proceeding in Courts or courſe of juſtice, ſhall be abated, arreſted or reverſed upon any kinde of circumſtantial errours or miſtakes, if the perſon and cauſe be rightly underſtood and intended by the Court. And in all Caſes where the firſt Summons are not ſerved ſix dayes inclusively before the Court, and the Caſe briefly ſpecified in the Warrant, where appearance is to be made by the party Summoned, it ſhall be at his liberty whether he will appear or not, except all caſes that are to be handled in Court ſuddenly, called on extraordinary occaſion.

L. 1. p. 49.

Circumſtantiall errours.

Summons to be ſerved ſix dayes before the Court

3. *And whereas Suits at Law, many times ſuch as do proſecute the ſame in their own name, in procuring the proceſs; intend and do declare in the name, and on the behalf of others,* viz. *as Executors, Adminiſtrators,*

A. 51. p. 1.

In whoſe name to take out proceſs.

Aſſignes, Atturnies, Guardians, Agents or the like, which is not only improper, but tendeth alſo to uncertainty; for prevention whereof:

It is Ordered, That henceforth the Original proceſs, whether Summons or Attachments ſhall expreſs in whoſe name the Plaintiff ſueth, whether in his own name, or as Executor of the laſt Will and Teſtament of ſuch a man, or Adminiſtrator of the Goods and Chattels of ſuch a man, or Aſſigne, Atturney, Guardian or Agent of ſuch a man, or the like, or otherwayes, if exception be taken before the parties joyn iſſue, it ſhall be good, and the Plaintiff ſhall be liable to pay coſt. [*1641. 44. 47. 51.*]

Marſhalls may ſerve Attachments.

WHereas it hath been commonly practiſed, that Attachments have been directed to the Marſhall to be ſerved in any Town under the Juriſdiction of that Court whereof the Marſhall is Officer, notwithſtanding the Law doth Order, that all Attachments ſhall be directed to the Conſtable in ſuch Towns where no Marſhall dwells:

Marſhalls may ſerve Attachments.

It is hereby Ordered and Declared, That the ſaid Cuſtome ſhall be accounted legal, and ſhall not abate the Proceeding or Tryal of any Cauſe. Provided no more Coſts be charged on the Defendant, then by Law are due to Conſtables for ſerving Attachments. [*1662*]

BAKERS.

IT is Ordered by this Court and Authority thereof; That henceforth every Baker ſhall have a diſtinct mark for his Bread, and keep the true Aſſizes, as hereafter is expreſſed, *viz.* when Wheat is ordinarily ſold for money at theſe ſeveral Rates hereafter mentioned, the penny white loaf by averdupois weight, when Wheat is by the buſhel——

	at 3 s. o d.	the white	11 ounces	1 qr.	wheat	17 ounces	1 qr.	houſhold	23 ounc.	o.
Weight of Bread	at 3 6		10	1		15	1		20	2.
	at 4 0		09	1		14	0		18	2.
	at 4 6		08	1		11	3		16	2.
	at 5 0		07	3		11	2		15	2.
	at 5 6		07	0		10	2		14	0.
	at 6 0		06	2		10	0		13	0.
	at 6 6		06	0		09	2		12	2.

And ſo proportionably, under the penalty of forfeiting all ſuch Bread as ſhall not be of the ſeveral Aſſizes aforementioned, to the uſe of the poor of the Town where the offence is committed, and otherwiſe as is hereafter expreſſed, and for the better execution of this preſent Order; there ſhall be in every Market Town, and all other Towns needfull one or two able perſons annually choſen by each Town, who ſhall be ſworn at the next County Court, or by the next Magiſtrate, unto the faithful diſcharge of his or their Office: who are hereby Authorized to enter into all houſes, either with a Conſtable or without, where they ſhall ſuſpect or be informed of any Bread baked for ſale, and alſo to weigh the ſaid Bread as oft as they ſee cauſe, and ſeize all ſuch as they finde defective. As alſo to weigh all

Clerk of the Market

Their power.

all Butter made up for ſale, and brought unto, or being in the Town or Market to be ſold by weight, which if found light after notice once given, ſhall be forfeited in like manner. The like penalty ſhall be for not marking all Bread made for ſale: And the ſaid Officer ſhall have one third part of all forfeitures for his pains, the reſt to the poor as aforeſaid. [1646.] A. 52. p. 8.

2. *Whereas it appears to this Court, that there is much deceit uſed by ſome Bakers and others, who when the Clerk of the Market cometh to weigh their Bread, pretend they have none, but for their own uſe, and yet afterward put their Bread to ſale, which upon tryal hath been found too light; for prevention of ſuch abuſes for time to come:*

It is Ordered, that all perſons within this Juriſdiction, who ſhall uſually ſell Bread within doors or without, ſhall at all times hereafter, have all their Bread that they either put to ſale or ſpend in their families, made of the due Aſſizes, marked and yielded to tryal of the ſaid Clerk as is directed in the Order aforeſaid, under the penalty therein expreſt. [1652.] To prevent deceit in Bakers.

BALLAST.

IT is Ordered by this Court and the Authority thereof; That no Ballaſt ſhall be taken from any Town ſhore, by any perſon whatſoever, without allowance under the hands of the Select men, upon the penalty of ſix pence, for every ſhovel full ſo taken, unleſs ſuch ſtones as they had laid there before. It is alſo Ordered, That no Ship nor other Veſſel, ſhall caſt out any Ballaſt in the Channel or other place inconvenient in any Harbour within this Juriſdiction, upon the penalty of ten pounds. [1646.] Ballaſt not to be taken without leave. nor caſt into the Channel.

BARRATRY.

IT is Ordered and Decreed, and by this Court Declared; That if any man be proved and judged a common Barrater, vexing others with unjuſt, frequent and endleſs ſuits, it ſhall be in the power of the Court, both to reject his Cauſe, and to puniſh him for his Barratry. [1641.] Barratry.

BENEVOLENCE.

IT is Ordered, That this Court hereafter will grant no Benevolence, except in forreign occaſions, and when there is Money in the Treaſury ſufficient, and our debts firſt ſatisfied. [1641.]

It is Ordered by this Court and the Authority thereof; that all Gifts and Legacies given and bequeathed to the Colledge, Schools of Learning or any other Publick uſe; ſhall be truely and faithfully diſpoſed of according to the true and declared intent of the Donors. And all and every Perſon or Perſons betruſted to receive or improve any ſuch Guifts or Legacies, ſhall be liable from time to time to give account of their diſpoſal and management thereof to the County Court of that Shire where they dwell, and where ſuch Eſtate ſhall lye, who are hereby impowred to require the ſame where need ſhall be, and to appoint Feoffes of truſt, to ſettle and manage the ſame according to the will of the Donors. Gifts and Legacies to be faithfully diſpoſed of

BILLS.

Bills Aſſigned good debt to the Aſſignee.

IT is Ordered by the Authority of this Court; That any debt, or debts due upon bill or other ſpecialty aſſigned to another, ſhall be as good a debt and eſtate to the Aſſignee, as it was to the Aſſigner, at the time of its aſſignation; And that it ſhall be lawfull for the ſaid Aſſignee, to ſue for, and recover the ſaid debt due upon bill, and ſo aſſigned, as fully as the originall Creditor might have done; Provided the ſaid Aſſignement be made upon the back-ſide of the bill or ſpecialty. [*1647.*]

BOND-SLAVERY.

No Bond-ſlavery

IT is Ordered by this Court and the Authority thereof; That there ſhall never be any Bondſlavery, Villenage or Captivity amongſt us, unleſs it be lawful Captives taken in juſt Wars, as willingly ſell themſelves or are ſold to us, and ſuch ſhall have the liberties and Chriſtian uſage which the Law of God eſtabliſhed in *Iſrael* concerning ſuch perſons doth morally require; Provided this exempts none from ſervitude, who ſhall be judged thereto by Authority. [*1641.*]

Bounds of Towns and Perſons.

FOraſmuch as the Bounds of Towns, and of the Lands of particular perſons, are carefully to be maintained, and not without great danger to be removed by any, which notwithſtanding by deficiency and decay of marks, may at unawares be done, whereby great jealouſies of perſons, trouble in Towns, and incumbrances in Courts do often ariſe, which by due care and means might be prevented:

Town Bounds to be laid out once in one year.

It is therefore Ordered by this Court and the Authority thereof, that every Town ſhall ſet out their Bounds, within twelve months after their Bounds are granted: and that when their Bounds are once ſet out, once in three years, three or more perſons of a Town, appointed by the Select men, ſhall appoint with the adjacent Towns, to go the Bounds betwixt their ſaid Townes and renew their marks; which marks ſhall be a great heap of ſtones, or a Trench of ſix foot long and two foot broad, the moſt ancient Town to give notice of the time and place of meeting for this perambulation; which time ſhall be in the firſt or ſecond month, upon pain of five pounds for every Town that ſhall neglect the ſame; Provided that the three men appointed for perambulation ſhall go in their ſeveral quarters, by order of the Select men, and at the charge of the ſeveral Towns.

To be ſurveyed within 3 year.

Particular perſons bounds to be ſurveyed once a year.

2. And it is further Ordered, that if any particular proprietor of Lands lying in common with others, ſhall refuſe to go the Bounds betwixt his Land and other mens once a Year in the firſt or ſecond month, being requeſted thereunto upon one weeks warning, he ſhall forfeit for every day ſo neglecting, ten ſhillings, half to the party moving thereto, the other half to the Town. [*1651.*]

BREWERS.

TO the end no other but good and wholſome Beer be Brewed at any time in this juriſdiction, to be ſold for the ſupply of Ship or other Veſſels at Sea; and that no oppreſſion or wrong be done to any in this Myſtery:

It is Ordered by this Court and the Authority thereof: That no perſon whatſoever, ſhall henceforth undertake the calling or work of Brewing Beer for ſale, but only ſuch as are known to have ſufficient skill and knowledge in the Art or Myſtery of a Brewer. And it is further Ordered, that if any undertaker for victualling of Ships or other Veſſels, or Maſter or owner of any ſuch Veſſel, or any other perſon, ſhall make it appear, that any Beer bought of any perſon within this Juriſdiction, doth prove unfit, unwholſome and uſeleſs for their ſupply, either through the inſufficiency of the Mault, or Brewing, or unwholſome Cask; the perſon wronged thereby ſhall be, and is hereby enabled, to recover equal and ſufficient damage, by Action againſt the perſon that put that Beer to Sale.

Brewers to make ſatisfaction for bad Beer.

Breach of the Peace.

For the better preſerving of Peace, and every mans Liberty and Safety in this Juriſdiction, and to the end that all Fighting and Quarrelling and Diſturbance may be avoided:

Breach of Peace.

It is by this Court Ordered, and by the Authority thereof Enacted, that no perſon ſhall beat, hurt or ſtrike any other perſon, upon penalty of paying to the party ſtricken, by fine to the County where the Offence is committed, or both, ſuch ſum or ſums as the County Court, Magiſtrate, Commiſſioner or Aſſociate, that take cognizance thereof ſhall determine: and becauſe in this caſe ſeveral circumſtances may alter the degree of the offence, as who do ſmite, who is ſmitten, with what Inſtrument, the danger of the wound, more or leſs, time, place and provocation, and other the like, it is left to the diſcretion of the Judges aforeſaid, upon hearing and conſideration, to impoſe ſuch penalty or penalties, as in their diſcretion ſhall ſeem juſt, equal and proportionable to the merit of the offence.

Judgement for Title of Houſe or Land.

IT is Declared and Ordered by this Court and the Authority thereof, That where a Judgement is given in any Court for any perſon of Houſe or Land, upon the trial of the Title thereof; if the perſon againſt whom the Judgement is given, doth either forcibly keep poſſeſſion thereof ſtill after execution ſerved, or enter upon it again, and ſo retain poſſeſſion by force, he ſhall be counted a high offender againſt the Law, and breaker of the publick peace; therefore ſpeedily to redreſs ſuch a criminal offence, every Magiſtrate is impowred, and by his place hath power to give warrant and command to the Marſhall, Officers and other men whom he thinks meet to be imployed in the buſineſs (the Marſhall alſo requiring aid, greater or leſſer, as need requires) and ſuppreſs the force, and give poſſeſſion to the owner, and to impriſon ſuch as do appear to be Delinquents, and their aiders and abettors, to be forth coming at the next Court that did give the Judgement in the caſe, there to make their Anſwer: and whom the Court doth finde guilty, to ſet ſuch fine or other puniſhment upon them as the merit of their ſeveral caſes doth require.

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BREWERS.

TO the end no other but good and wholſome Beer be Brewed at any time in this Juriſdiction, to be ſold for the ſupply of Ship or other Veſſels at Sea; and that no oppreſſion or wrong be done to any in this Myſtery:

It is Ordered by this Court and the Authority thereof: That no perſon whatſoever, ſhall henceforth undertake the calling or work of Brewing Beer for ſale, but only ſuch as are known to have ſufficient skill and knowledge in the Art or Myſtery of a Brewer. And it is further Ordered, that if any undertaker for victualling of Ships or other Veſſels, or Maſter or owner of any ſuch Veſſel, or any other perſon, ſhall make it appear, that any Beer bought of any perſon within this Juriſdiction, doth prove unfit, unwholſome and uſeleſs for their ſupply, either through the inſufficiency of the Mault, or Brewing, or unwholſome Cask; the perſon wronged thereby ſhall be, and is hereby enabled, to recover equal and ſufficient damage, by Action againſt the perſon that put that Beer to Sale.

Brewers to make ſatisfaction for bad Beer.

Breach of the Peace.

FOr the better preſerving of Peace, and every mans Liberty and Safety in this Juriſdiction, and to the end that all Fighting and Quarrelling and Diſturbance may be avoided:

Breach of Peace.

It is by this Court Ordered, and by the Authority thereof Enacted, that no perſon ſhall beat, hurt or ſtrike any other perſon, upon penalty of paying to the party ſtricken, by fine to the County where the Offence is committed, or both, ſuch ſum or ſums as the County Court, Magiſtrate, Commiſſioner or Aſſociate, that take cognizance thereof ſhall determine: and becauſe in this caſe ſeveral circumſtances may alter the degree of the offence, as who do ſmite, who is ſmitten, with what Inſtrument, the danger of the wound, more or leſs, time, place and provocation, and other the like, it is left to the diſcretion of the Judges aforeſaid, upon hearing and conſideration, to impoſe ſuch penalty or penalties, as in their diſcretion ſhall ſeem juſt, equal and proportionable to the merit of the offence.

Judgement for Title of Houſe or Land.

IT is Declared and Ordered by this Court and the Authority thereof, That where a Judgement is given in any Court for any perſon of Houſe or Land, upon the trial of the Title thereof; if the perſon againſt whom the Judgement is given, doth either forcibly keep poſſeſſion thereof ſtill after execution ſerved, or enter upon it again, and ſo retain poſſeſſion by force, he ſhall be counted a high offender againſt the Law, and breaker of the publick peace; therefore ſpeedily to redreſs ſuch a criminal offence, every Magiſtrate is impowred, and by his place hath power to give warrant and command to the Marſhall, Officers and other men whom he thinks meet to be imployed in the buſineſs (the Marſhall alſo requiring aid, greater or leſſer, as need requires) and ſuppreſs the force, and give poſſeſſion to the owner, and to impriſon ſuch as do appear to be Delinquents, and their aiders and abettors, to be forth coming at the next Court that did give the Judgement in the caſe, there to make their Anſwer: and whom the Court doth finde guilty, to ſet ſuch fine or other puniſhment upon them as the merit of their ſeveral caſes doth require.

Judgement for Title of Houſe or Land.

BRIDGES.

THis Court conſidering that Bridges in Country High-wayes are for the benefit of the Country in general, and that it may be unequal to lay the charge thereof on particular Towns:

Bridges to be made & repaired by the County.

Doth Order, that from time to time, upon information or complaint to each County Court, of the neceſſity or defect of any Bridge or Bridges as aforeſaid; the Court ſhall appoint a Committee to view and determine the ſame, and the charges ſhall be proportioned by the Magiſtrates in each County Court, to be levied upon the Several Towns in each County according to the direction of the Law for Country Rates.

L. 2. p. 3.

2. *The Court conſidering the great danger that Perſons, Horſes, Teams, are expoſed to, by reaſon of defective Bridges, and Country High-wayes in this Juriſdiction:*

Doth Order and Declare, That if any perſon at any time, loſe his life, in paſſing any ſuch Bridge or High-way, after due warning given unto any of the Select men of the Town in which ſuch defect is, in writing under the hand of two witneſſes, or upon preſentment to the Shire Court, of ſuch defective Wayes or Bridges, that then the County or Town which ought to ſecure ſuch Wayes or Bridges, ſhall pay a fine of one hundred pounds to the Parents, Husband, Wife or Children, or next of Kin to the party deceaſed. And if any perſon loſe a Limb, break a Bone, or receive any other bruiſe or breach in any part of his Body, through ſuch defect as aforeſaid; the County or Town, through whoſe neglect ſuch hurt is done, ſhall pay to the party ſo hurt, double damages, the like ſatisfaction ſhall be made for any Team, Cart or Cartage, Horſe, other Beaſt or Loading, proportionable to the damage ſuſtained as aforeſaid.

Penalty for damage received by the inſufficiency of Bridges.

A. 58.

3. *And for the prevention of danger, which may come by the inſufficiency of Bridges and Paſſages which lye upon Town High-wayes, the care whereof doth belong either to the Town or particular Perſons to repair, who many times cannot procure Workmen to do the ſame:*

Power to preſs workmen to repair Bridges.

It is therefore Ordered by this Court, That upon the complaint of any ſuch Town or Perſon, to any one Magiſtrate, he ſhall hereby be impowred to iſſue out Warrants to the Conſtable, to impreſs ſuch Workmen in their Town-ſhip, as ſhall be needful to ſecure and repair the ſame, who ſhall be paid for their work, either by the Town or Perſons, to whom ſuch Bridges or Paſſages do belong. [*1648. 51. 59.*]

Burglary and Theft.

Robbing in houſe, high-wayes penalty.

FOraſmuch as many Perſons of late years, have been and are apt to be injurious to the Goods and Lives of others, notwithſtanding all care and means to prevent and puniſh the ſame:

It is therefore Ordered by this Court and the Authority thereof, That if any Perſon ſhall commit Burglary, by breaking up any dwelling houſe, or ſhall

rob any perſon in the field or high-wayes, ſuch perſon ſo offending, ſhall for the firſt offence, be branded on the forehead with the letter (B) and if he ſhall offend in the ſame kinde the ſecond time, he ſhall be branded as before, and alſo be ſeverely whipped; and if he ſhall fall into the like offence the third time, he ſhall be put to death, as being incorrigible.

And if any perſon ſhall commit ſuch Burglary, or rob in the fields or houſes on the Lords day, beſides the former puniſhment of Branding, he ſhall for the firſt offence have one of his ears cut off; and for the ſecond offence in the ſame kinde, he ſhall loſe his other ear in the ſame manner; and for the third offence he ſhall be put to death. [*1642. 47.*]

On the Lords day.

2. *For the prevention of Pilfering and Theft*: It is Ordered by this Court and the Authority thereof; That if any perſon be taken or known to rob any Orchard or Garden; that ſhall hurt or ſteal away any Grafts or fruit Trees, Fruits, Linnen, Woollen or any other goods left out in Orchards, Gardens, Back-ſides, or in any other place in houſe or fields, or ſhall ſteal any wood or other goods from the water-ſide, from mens doors or yards; he ſhall forfeit treble damage to the owners thereof.

Rob Orchard or Garden or ſteal goods.

pay treble damage,

or be whipt.

And if they be children, or ſervants, that ſhall treſpaſs herein, if their parents or maſters will not pay the penalty before expreſt, they ſhall be openly whipped.

And foraſmuch as many times it ſo falls out that ſmall thefts and other offences of a criminall nature are committed both by Engliſh and Indians in towns remote from any priſon or other fit place to which ſuch malefactors may be committed untill the next Court.

It is therefore ordered that any magiſtrate, upon Complaint made to him may hear, and upon due proof determine, any ſuch ſmall offences of the aforeſaid nature according to the Laws here eſtabliſhed, and give warrant to the Conſtable of that Town where the offender lives to levy the ſame; Provided the damage or fine exceed not forty ſhillings; Provided alſo it ſhall be lawfull for either party to Appeal to the next Court to be holden in that Juriſdiction, giving ſufficient caution to proſecute the ſame to effect, at the ſaid Court. And every Magiſtrate ſhall make a return yearly to the County Court where he liveth, of what caſes he hath ſo ended. And alſo the Conſtables of all ſuch fines as they have received.

One Magiſtrate may determine ſuch caſes.

Magiſtrate and Conſtables to return to the County Court.

And where the offender hath nothing to ſatisfie, ſuch Magiſtrate may puniſh by ſtocks or whipping, as the cauſe ſhall deſerve, not exceeding ten ſtripes; It is alſo Ordered, that all Servants and Workmen imbezling the goods of their Maſters or ſuch as ſet them on work, ſhall make reſtitution, and be lyable to all Laws and penalties as other men. [*1646.*]

Servants and Workmen.

3. It is further Ordered by this Court; That what perſon ſoever ſhall ſteal from any perſon, any Coyn, Goods or Chattels, to the value of ten ſhillings or upward, ſhall be whipt, or pay ſuch a ſum or ſums of money as the Court or Magiſtrate, that hath proper cognizance thereof ſhall adjudge to be ſufficient to ſatisfie all coſts and charges of the Court and Country in proſecuting and trying the ſaid offender, to the uſe of the common Treaſury; and for ſmaller thefts, it is left to the diſcretion of the Judge or Judges that ſhall have cognizance of the crime, to appoint ſmaller mulcts or puniſhments, or only legal Admonitions as they ſhall finde cauſe. A. 52. p. 10.

Stealing above ten ſhillings.

Conſtable to make ſearch for goods ſtolen.

And further it is declared and Ordered, That when any Goods are ſtolen from any perſon, the Conſtable of the Town, by warrant from Authority, ſhall ſearch for the ſame, in any ſuſpected places or houſes, and upon

Concealing of theft and receiving ſatisfaction privately.

penalty.

ſearch or otherwiſe, if he ſhall finde the ſame or any part thereof, or any ground of ſuſpition appearing to the Officer, he ſhall bring the Delinquent or ſuſpected party to a Magiſtrate to be proceeded with according to the Law. And if any perſon having goods ſtolen from him, ſhall privately receive his ſaid ſtolen goods (except the fact be private, or committed by ſome member of his own family) and ſo ſmother the theft, and ſhall not legally proſecute the Offender, he ſhall forfeit to the common Treaſury the Goods or Chattels ſo received or the true value thereof. [*1652.*]

CAPITAL LAWS.

Idolatry.

IF any man after Legal Conviction ſhall HAVE or WORSHIP any other God but the LORD GOD, he ſhall be put to death, *Exod. 22. 20. Deut 13. 6, 10. Deut 17. 2, 6.*

Witch-craft.

2. If any Man or Woman be a WITCH, that is, Hath or Conſulteth with a familiar Spirit they ſhall be put to death, *Exod. 22. 18. Levit. 20. 27. Deut. 18. 10, 11.*

Blaſphemy.

3. If any Perſon within this Juriſdiction, whether Chriſtian or Pagan, ſhall wittingly and willingly preſume to BLASPHEME the holy name of God, FATHER, SON, or HOLY-GHOST, with direct, expreſſe, preſumptuous, or high-handed Blaſpemy, either by wilfull or obſtinate denying the true God, or his Creation, or Government of the World, or ſhall curſe God in like manner, or reproach the holy Religion of God, as if it were but a politick deviſe; to keep ignorant men in awe; or ſhall utter any other kind of Blaſphemy of the like nature and degree, they ſhall be put to death, *Levit. 24. 15, 16,*

Murther.

4. If any perſon ſhall commit any wilfull MURTHER upon premeditate malice, hatred or cruelty, not in a mans neceſſary and juſt defence, nor by meer caſualty againſt his will, he ſhall be put to death, *Exod. 21. 12, 13. Numb. 35. 31.*

5. If any perſon ſlayeth another ſuddenly, in his ANGER or CRUELTY of paſſion, he ſhall be put to death, *Levit. 24. 17. Numb. 35. 20, 21.*

Poyſoning.

6. If any perſon ſhall ſlay another through guile, either by POYSONING or other ſuch Deviliſh practiſe, he ſhall be put to death, *Exod. 21. 14.*

Beſtiality.

7. If any Man or Woman ſhall LYE with any BEAST or Bruit Creature, by carnal Copulation, they ſhall ſurely be put to death, and the Beaſt ſhall be ſlain and buried, and not eaten, *Levit. 20. 15, 16.*

8. If

8. If any Man LYETH with MAN-KINDE as he lyeth with a Woman, both of them have committed Abomination, they both ſhall ſurely be put to death, unleſs the one party were forced, or be under fourteen yeaʳs of age, in which caſe he ſhall be ſeverely puniſhed, *Levit. 20. 13.* *Sodomy.*

9. If any Perſon COMMIT ADULTERY with a Married or Eſpouſed Wife, the Adulterer and the Adultereſs ſhall ſurely be put to death, *Levit. 20. 19. & 18. 20. Deut. 22. 23, 27.* *Adultery.*

10. If any man STEALETH A MAN or Man-kinde, he ſhall ſurely be put to death, *Exod. 21. 16.* *Man-ſtealing.*

11. If any Man riſe up by FALSE-WITNESSE wittingly, and of purpoſe to take away a mans Life, he ſhall be put to death, *Deut. 19. 16. & 18. 16.* *Falſe witneſs*

12. If any Man CONSPIRE and ATTEMPT any INVASION, INSURRECTION or publick REBELLION againſt our Common-wealth: or ſhall endeavour to ſurprize any Town or Towns, Fort or Forts therein; or ſhall Treacherouſly and perfideouſly attempt the Alteration and Subverſion of our frame of Polity or Government fundamentally, he ſhall be put to death, *Numb. 16. 2 Sam. 3. 2. Sam. 18. 2 Sam. 20.* *Conſpiracy.* *Rebellion.*

13. If any Childe or Children above ſixteen years old, and of ſufficient underſtanding, ſhall CURSE or SMITE their natural FATHER or MOTHER, he or they ſhall be put to death, unleſs it can be ſufficiently teſtified, that the Parents have been very unchriſtianly negligent in the education of ſuch Children, or ſo provoked them by extreme and cruel Correction, that they have been forced thereunto to preſerve themſelves from Death or Maiming, *Exod. 21. 17. Levit. 20. 9. Exod. 21. 15.* *Children curſe or ſmite Parents.*

18. If a Man have a STUBBORN or REBELLIOUS SON of ſufficient years of underſtanding, (*viz.*) ſixteen years of age, which will not obey the voice of his Father, or the voice of his Mother, and that when they had chaſtened him, will not hearken unto them, then ſhall his Father and Mother, being his natural Parents lay hold on him, and bring him to the Magiſtrates aſſembled in Court, and teſtifie unto them, that their Son is ſtubborn and rebellious, and will not obey their voice and chaſtiſement, but lives in ſundry and notorious Crimes: ſuch a ſon ſhall be put to death, *Deut. 22. 20, 21.* *Rebellious Son.*

15. If any Man ſhall RAVISH any maid, or ſingle Woman, committing Carnal Copulation with her by force, againſt her own will; that is above the age of ten years, he ſhall be puniſhed either with death or with ſome other grievous puniſhment according to circumſtances, as the Judges or General Court ſhall determine, [*1649.*] *Rape.*

17. *Foraſmuch as Carnal Copulation with a Woman Childe, under the age of ten years, is a more hainous ſin then with one of more years, as being more inhumane and unnatural in it ſelf, and more perilous to the life and well-being of the Childe:* *Rape of a Child.*

It is therefore Ordered by this Court and the Authority thereof, that

whoſoever he be ſhall commit or have Carnal Copulation with any ſuch Childe under ten years old, and be legally convicted thereof, he ſhall be put to death. [*1669.*]

Non-appearance in a Capital Crime.

17. If any perſon ſhall be Indited for any CAPITAL CRIME, (who is not then in durance) and ſhall refuſe to render his perſon to ſome Magiſtrate within one month after three Proclamations publickly made in the Town where he uſually abides, there being a month between Proclamation and Proclamation: his Lands and Goods ſhall be ſeized to the uſe of the Common Treaſury, till he make his lawful appearance. And ſuch withdrawing of himſelf, ſhall ſtand in ſtead of one witneſs to prove his Crime, unleſs he can make it appear to the Court that he was neceſſarily hindred. [*1646.*]

Cask and Cooper. Gager. Packer.

Cask their Aſſize and quality.

Gagers Fee.

Coopers mark.

A. 51. p. 2.

Defective Cask forfeit.

IT is Ordered by this Court and the Authority thereof; That all Cask uſed for any Liquor, Fiſh, Beef, Pork, or other Commodities to be put to Sale, ſhall be of London Aſſize, and of ſound and well ſeaſoned Timber; And that fit perſons ſhall be appointed from time to time, in all places needfull, to Gage all ſuch Veſſels or Cask, and ſuch as ſhall be found of due Aſſize, ſhall be marked with the Gagers mark, who ſhall have for his pains *four pence per Tun.* And every Cooper ſhall have a diſtinct Brand-mark on his own Cask, upon the penalty of forfeiture of *twenty ſhillings.* And whoſoever ſhall put to Sale any new Cask, being defective, either in Workmanſhip, Timber or Aſſizes as aforeſaid, upon due proof made before any one Magiſtrate, he ſhall forfeit ſuch Cask to the Informer, and be fined to the uſe of the Country *ten ſhillings per Tun,* and ſo proportionably for greater or leſſer Cask. And becauſe there may be no neglect in the choice of a Gager or Packer; It is Ordered, that every Town within this Juriſdiction, wherein any Cask are made, ſhall yearly make choice of a fit man for that imployment, who being preſented by the Conſtable within one Month after the choice made, before any one Magiſtrate, ſhall there take his Oath belonging to his place, which if he ſhall refuſe, he ſhall pay the ſum of *forty ſhillings*, and another ſhall be choſen in his room. Alſo the Town or Conſtable ſhall either of them ſuffer the like penalty for their neglect of this Order. And every Gager or Packer, ſhall ſee that all Cask he packs, Beef, Pork, Mackerel, Fiſh or other Goods is committed to his Care, be of true and full Aſſize, and that he packs the ſame in no other Cask whatſoever, on penalty of *ten ſhillings* for every Cask by him packed, that is or ſhall be defective in that reſpect, one half to the Informer and the other half to the Country.

Choice of Gager and Packer.

Packer must pack no good but in Cask of full Aſſize.

To prevent deceit in packing Beef & Pork, &c

2. *And for the preventing deceit of any perſon in the packing of Fiſh, Beef and Pork to be put to Sale in this and other Juriſdictions:*

It is Ordered, That in every Town where any ſuch Goods are packed up for Sale, the Gager or Packer of that Town, or of the Town wherein it is put to Sale or Shipped, ſhall ſee that it be well and orderly performed, that

that is to ſay, Beef and Pork, the whole, half or quarter, and ſo proportionably, that the beſt be not left out: And ſo Fiſh, that they be packed all of one kinde, and that all Cask ſo packed be full and ſound, and well ſeaſoned, ſetting his Seal on all Cask ſo packed, and he ſhall recover of the owners for ſo packing and ſealing, *four ſhillings* per Tun; but if the Gager do only view them, and finde them good and ſufficient, he ſhall ſet his Seal upon them, and have *one ſhilling* per Tun for ſo doing, and if ſuch goods ſo packed, ſhall be put to ſale without the Gagers mark, he ſhall forfeit the ſaid Goods that ſo puts them to ſale; the one half to the Informer, the other half to the Country. [*1641. 47. 51. 52.*]

Packers fees 4 s. per Tun

Cask not marked forfeit.

To Regulate Coopers-Staves.

WHereas *the Law* tit. Pipe-ſtaves, *provides only for Pipe-ſtaves for tight Cask, and that Hogſhead-ſtaves and Barrel ſtaves both of white and red Oak, as well as for Pipe-ſtaves, are frequently tranſported, and traffiqued in payments, both to the Country Treaſury, and otherwiſe;*

It is Ordered by this Court and the Authority thereof, That all Hogs-head ſtaves ſhall be in length three foot two inches, or upwards, not exceeding three foot four inches; and all Bartel ſtaves ſhall be in length thirty one inches, all well and even hewed or dreſſed ſufficiently for uſe, as for Pipe-ſtaves is expreſſed, whether of white or red Oak. And all Headings for Pipe-ſtaves of any ſort to be in length twenty eight inches; and for Hogſheads and Barrels, ſuitable to the Cask to be made thereof; [illegible] that it be inſerted in the Oath appointed for *Viewers of Pipe-ſtaves*, any thing in the aforeſaid Law to the contrary notwithſtanding.

Coopers ſtaves, to be well dreſſed.

Cattle Corn-fields. Fences.

IT is Ordered by this Court and the Authority thereof; That in all Corn-fields, which are incloſed in Common, every party intereſted therein, ſhall from time to time make good his part of the fence, and ſhall not put in any Cattle, ſo long as any Corn ſhall be upon any part of it, upon paine to anſwer all the damage that ſhall come thereby. [*1647.*]

Owner make good his Fence

No Cattle to be put in till Corn be out

2. *Whereas it is found by experience, that there hath been much trouble and difference in ſeveral Towns, about the Fencing, Planting, ſowing, Feeding and Ordering of Common fields;*

It is therefore Ordered by this Court and the Authority thereof; That where the Occupiers of the Land, or the greateſt part thereof, cannot agree about the fencing or improvement of ſuch their ſaid fields, that then the Select men in the ſeveral Towns ſhall order the ſame, or in caſe where no ſuch are, then the major part of the Freemen (with what convenient ſpeed they may) ſhall determine any ſuch difference as may ariſe upon any information given them by the ſaid Occupiers, excepting ſuch Occupiers Land ſhall be ſufficiently fenced by it ſelf, which any Occupier of Land may lawfully do. [*1643. 47.*]

Occupiers of Land may Order Common Fields

Liberty to Fence in ſeveral

3. *Whereas this Court hath long ſince provided, that all men ſhall Fence their Corn, Meadow, ground and ſuch like, againſt great Cattle, to the end the increaſe of Cattle eſpecially of Cows and their breed ſhould not be hindred, there being then but few Horſes in the Country, which ſince are much increaſed, many whereof run in a ſort wilde, doing much damage in Corn and other things, notwithſtanding fence made up according to the true intent of the Order in that caſe eſtabliſhed, many whereof are unknown, moſt ſo unruly that they can by no means be caught or got into cuſtody, whereby their owners might anſwer damages, and if ſometimes with much difficulty and charge they be, they are in danger of periſhing before the owner appears or can be found out, all which to Prevent;*

Every Town to have a diſtinct mark for Cattle.

It is Ordered by this Court and the Authority thereof; That every Town and Peculiar in this Juriſdiction, ſhall henceforth give ſome diſtinct Brand-mark, appointed by this Court (a Copy of which marks, each Clerk or the Writs in every Town ſhall keep a Record) upon the Horn, or Left Buttock, or Shoulder of all their Cattle which feed in open Common without conſtant Keepers, whereby it may be known to what Town they do belong.

Cattle not marked treſpaſſing pay double damage.

And if any Treſpaſs not ſo marked, they ſhall pay double Damages: nor ſhall any perſon knowing, or after due notice given of any Beaſt of his to be unruly in reſpect of Fences, ſuffer ſuch Beaſt to go common, or againſt Corn-fields, or other impropriate incloſed grounds fenced as aforeſaid, without ſuch Shackles or Fetters as may reſtrain and prevent Treſpaſs therein by them from time to time.

Unruly Cattle to go in Fetters.

And if any Horſe or other Beaſt Treſpaſs in any Corn or other incloſure, being Fenced in ſuch ſort as ſecures againſt Cows, Oxen and ſuch like orderly Cattle; the Party or Parties Treſpaſſed ſhall procure two ſufficient Inhabitants of that Town, of good repute and credit, to view and adjudge the harms, which the Owner of the Beaſt ſhall ſatisfie when known upon reaſonable demand, whether the Beaſt were impounded or not: But if the Owner be known, and near reſiding, as in the ſame Town or the like, he ſhall forthwith have notice of the Treſpaſs and Damage charged upon him, that if he approve not thereof, he may nominate one ſuch man, who with one other choſen by the party damnified, as aforeſaid, ſhall review and adjudge the harms; Provided they agree of damage within one day after due notice given, and that no after harms intervene to hinder it, which being forthwith diſcharged, together with the charge of the notice, former view and determination of damage, the firſt Judgement to be void, or elſe to ſtand good in Law; Provided notwithſtanding, the party Treſpaſſed ſhall not be barred of his Action, albeit the harms be not viewed and judged according to the direction aforeſaid.

Harms to be viewed by ſufficient men.

Notice to be given to the owner of the Beaſt.

L. 2. P. 8.

And if any Cattle be found damage feizant, the party damnified may impound or keep them in his own private Cloſe or Yard, till he may give notice to the owner, and if they cannot agree, the Owner may Replevie them, or the other party may return them to the owner, and take his remedy according to Law; yet in caſe of involuntary Treſpaſſes, where ſuch Treſpaſſer ſhall pay, or Legally tender full recompence for all the damage done by him before any ſuit commenced, the Plaintiffe ſhall recover no coſt of his ſuit.

L. 2. P. 8.

In voluntary Treſpaſs pay no coſt.

And in all Treſpaſſes or damages done to any man, if it can be proved to be done by the meer default of him to whom the damage is done, it ſhall be judged no Treſpaſs, nor any damage given for it. [1646]

L. 1. P. 51.

Goats pay double damage

4. For all harms done by Goats, there ſhall be double damage allowed, and when any Goats are taken in Corn or Gardens, the owner of ſuch

ſuch Corn or Garden, may keep and uſe the ſaid Goats till full ſatisfaction be made by the owners. [*1646.*]

5. *Foraſmuch as Complaints have been made of a very evil Practiſe of ſome diſordered Perſons in the Country, who uſe to take other mens Horſes, ſometimes upon the Commons, and ſometimes out of their own Grounds and Incloſures, & ride them at their pleaſure without any leave or privity of the Owners;*

It is therefore Ordered and Enacted by the Authority of this Court; That whoſoever ſhall take any other mans Horſe, Mare, Aſſe, or drawing beaſt, either out of his incloſure, or upon any Common or elſewhere, (except ſuch be taken damage feizant and diſpoſed of according to Law) without leave of the Owner, and ſhall ride or uſe the ſame, he ſhall pay to the party wronged treble damages, or if the Complainant ſhall deſire it, then to pay only *ten ſhillings*, and ſuch as have not to make ſatisfaction, ſhall be puniſhed by whipping, impriſonment or otherwiſe, as by Law ſhall be adjudged, and any one Magiſtrate or County Court may hear and determine the ſame. [*1647.*]

Riding of wrighing other mens Horſe or Cattle without leave

Penalty treble damage or whip.

6. *For the better preſerving of Corn from damage, by all kinde of Cattle, and that all Fences of Corn-fields, may from time to time be ſufficiently upheld and maintained;* *A. 53. P. 26*

It is Ordered by this Court, That the Select men of all Towns, ſhall make wholſome Orders, for the repairing of all Fences both general and particular, within their ſeveral Townſhips, excepting Fences belonging to Farms of one hundred Acres or above, and have power to impoſe fines upon all Delinquents, not exceeding *twenty ſhillings* for one offence; and if any Select men ſhall neglect to make Orders as aforeſaid, they ſhall forfeit *five Pounds* to the uſe of the Town, and ſo for every Months default from time to time; and the ſaid Select men of every Town ſhall appoint, from year to year, two or more (if need require) of the Inhabitants thereof, to view the Common fences, of all their Corn-fields, to the end, to take due notice of the real defects and inſufficiency thereof, who ſhall forthwith acquaint the owners thereof with the ſame; and if the ſaid Owners do not within ſix dayes time or otherwiſe as the Select men ſhall appoint, ſufficiently repair their ſaid defective fences: then the ſaid two or more Inhabitants appointed as aforeſaid, ſhall forthwith repair or reniew them, and ſhall have double recompence for all their labour, care, coſt and trouble, to be paid by the Owners of the ſaid inſufficient Fence or Fences, and ſhall have warrant from the ſaid Select men, directed to the Conſtable to levy the ſame, either upon the Corn or other eſtate of the Delinquent: Provided the defect of the Fence or Fences be ſufficiently proved by two or three witneſſes. [*1647.*]

Select men to order the repair of Fences

To appoint viewers of common Fences

To give notice of defect to the Owners

Owners to repair within ſix dayes.

Elſe the viewers to mend them & have double recompence.

7. Where Lands lye in Common unfenced, if one man ſhall improve his Land, by fencing in ſeveral, and another ſhall not, he who ſhall ſo improve, ſhall ſecure his Land againſt other mens Cattle, and ſhall not compel ſuch as joyn upon him to make any Fence with him, except he ſhall alſo improve in ſeveral as the other doth. And where one man ſhall improve before his neighbour, and ſo make the whole Fence, if after his ſaid neighbour ſhall improve alſo, he ſhall then ſatisfie for half the others Fence againſt him, according to the preſent value, and ſhall maintain the ſame; and if the firſt man ſhall after lay open his ſaid field, then the ſaid neighbour ſhall enjoy his ſaid half Fence ſo purchaſed to his own uſe, and ſhall alſo have liberty to buy the other half Fence, paying according to preſent

Partition Fence between neighbours, born by both.

valuation, to be ſet by two men choſen, by either party one: the like Order ſhall be where any man ſhall improve Land againſt any Town-Common. Provided this Order ſhall not extend to Houſe Lots not exceeding ten Acres, but if ſuch one ſhall improve, his neighbour ſhall be compellable to make and maintain one half of the Fence between them, whether he improve or not. Provided alſo, no man ſhall be liable to ſatisfie for damage done in any ground not ſufficiently fenced, except it ſhall be for damage done by Swine, or Calves under a yeat old, or unruly Cattle which will not be reſtrained by ordinary Fences, or where any man ſhall put his Cattle, or otherwiſe voluntarily Treſpaſs upon his neighbours ground: and if the party damnified finde the Cattle damage feizant, he may impound or otherwiſe diſpoſe of them. [*1642*]

Houſe Lots Fences.

Inſufficient fence no damage except by Swine and Calves.

F E N C E S.

WHereas the Laws publiſhed concerning Fences and Cattle, being in the ſecond Edition, tranſported from their firſt order and method, much difficulty doth many times ariſe concerning the true meaning thereof, whereby great damages do accrew to many of the Inhabitants, and conſequently to the Country: For prevention whereof;

This Court doth Order and Enact, That where any Cattle ſhall Treſpaſs on any propriety, not appearing to be ſufficiently Fenced, againſt Swine ſufficiently yoaked and ringed, or Cowes and ſuch Cattle as will be reſtrained by a ſufficient Fence, in the judgement of the viewers of the Fences, as *Pag. 11. Sect. 6.* in all ſuch caſes the Owners of the Fence, or of the Land, ſhall bear all ſuch damages, as to them thereby ſuſtained, any thing in the ſaid Order, or any other Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1662*]

Fence to ſecure Corn Fields.

Cauſes Small Cauſes.

FOR eaſing the Charge and Incumbrance of Courts by ſmall Cauſes;

It is Ordered by this Court and Authority thereof, That any Magiſtrate in the Town where he dwells, may hear and determine by his diſcretion (not by Jury) according to the Laws here eſtabliſhed, all cauſes ariſing in that County, wherein the Debt, Treſpaſs or Damage, doth not exceed *Forty ſhillings*, who may ſend for parties and witneſſes by Summons or Attachment directed to the Marſhall or Conſtable, who ſhall faithfully execute the ſame.

One Magiſtrate may end cauſes under 40. s.

And it is further Ordered, that in ſuch Towns where no Magiſtrate dwells, the Court of Aſſiſtants or County Court, may from time to time upon requeſt of the ſaid Towns, ſignified under the hand of the Conſtable, appoint three of the Freemen as Commiſſioners in ſuch caſes, any two whereof, ſhall have like power to hear and determine all ſuch cauſes wherein either party is an Inhabitant of that Town, who have hereby power to ſend for Parties and Witneſſes, by Summons or Attachment directed to the Conſtable, as alſo to Adminiſter Oaths to Witneſſes, and to give

Three Commiſſioners in Towns to end ſmall cauſes.

give time to the Defendant to Anſwer if they ſee cauſe; and if the Party Summoned refuſe to give in his Bond or Appearance; or ſentenced, refuſe to give ſatisfaction, where no goods appear in the ſame Town where the Party dwells, they may charge the Conſtable with the party, to carry him before a Magiſtrate or Shire Court (if then ſitting) to be further proceeded with according to Law, but the ſaid Commiſſioners may not commit to Priſon in any caſe. And where the Parties live in ſeveral Towns, the Defendant ſhall be liable to be ſued in either Town at the liberty of the Plaintiffe. L. 1. p. 4.

2. *And foraſmuch as the Magiſtrates are under an Oath of God, for diſpenſing equal juſtice according to Law;*

It is Ordered by the Authority aforeſaid, that all Aſſociates for County Courts, when and where there ſhall be any, and all ſuch Commiſſioners Authorized as aforeſaid, ſhall be ſworn before each County Court or ſome Magiſtrate in that County, unto the faithful diſcharge of the truſt and power committed to them. Aſſociates and Commiſſioners to be ſworn.

And it is further Ordered, That in all ſmall Cauſes as aforeſaid, where only one Magiſtrate dwells in the Town, and the Cauſe concerns himſelf, as alſo in ſuch Towns where no Magiſtrate is, and the Cauſe concerns any of the three Commiſſioners, that in ſuch caſes the Select men of the Town, ſhall have power to hear and determine the ſame, and alſo to graunt execution for the levying and gathering up ſuch damages for the uſe of the perſon damnified, as one Magiſtrate or three Commiſſioners may do. And no Debt or Action proper to the Cognizance of one Magiſtrate or the three Commiſſioners as aforeſaid, ſhall be received into any County Court, but by Appeal from ſuch Magiſtrate or Commiſſioners, except in caſes of Defamation and Battery. [*1647. 49.*] Select men to try Cauſes. L. 1. p. 4. County Court to reject all Actions under 40. s

3. *Whereas by reaſon of the concourſe of People, and increaſe of trade in the Town of Boſton, Suits at Law are grown more frequent, whereby the County Courts are much prolonged, and foraſmuch as many crimes are alſo committed in the ſaid Town, by ſtrangers and others, which often eſcape unpuniſhed; For the prevention whereof,* A. 51. p. 6.

It is Ordered by this Court and the Authority thereof, that there be ſeven Freemen reſident in Boſton, annually choſen by the Freemen of the ſaid Town, and preſented to the Court of Aſſiſtants, who hereby have power to Authorize the ſaid ſeven Freemen to be Commiſſioners of the ſaid Town, to act in things committed to their truſt, as is hereafter expreſſed; who ſhall from time to time be ſworn before the ſaid Court, or the Governour, Deputy Governour or any two Magiſtrates. And this Court doth hereby give and graunt Commiſſion and Authority unto the ſaid ſeven men, or any five of them, or any three of them with one Magiſtrate, to hear and determine all Civil Actions which ſhall be brought before them, not exceeding the ſum of *Ten Pounds*, ariſing within the neck of Land on which the Town is Scituate, as alſo on *Noddles Iſland*, or betwixt any perſons where both parties ſhall be Inhabitants or Reſidents within the ſaid Neck or *Noddles Iſland* aforeſaid, or where either party ſhall be an Inhabitant or Reſident aforeſaid; Provided they keep a Book of Records for the entry of all Cauſes, Evidences, Teſtimonies, Sentences and Judgements as the Law provides in like Caſes; which ſaid Commiſſioners are Authorized annually, to appoint a Clerk of their Court and to demand and receive of every Plaintiffe in all Caſes or Actions not exceeding *Forty ſhillings*, the ſum of *three ſhillings four pence*; and for all Commiſſioners of Boſton. Choſen. Sworn. Power in civil Caſes to ten pounds.

other Actions, the ſum of *ten ſhillings*; and for all other things the accuſtomed fees; and the ſaid Commiſſioners ſhall from time to time publiſh their Court dayes, as the three Commiſſioners in Towns are bound to.

In Criminal Caſes.

And for the diſcovery, prevention and puniſhment of Miſdemeanours in the Town of Boſton;

Power and Authority is hereby given and granted to the ſaid Commiſſioners, and every of them, by Warrant under their or his hand, to convent before them, or any of them, all ſuch perſons as ſhall be complained of for ſuch offences, or otherwiſe brought to their cognizance, and to hear and determine the ſame, according to the Laws here eſtabliſhed as any Magiſtrate may do, Provided the fines impoſed by them, do not exceed *forty ſhillings* for one offence.

Officers required to aſſiſt the Commiſſioners

And that the ſaid Commiſſioners may the better and more diligently endeavour the ſuppreſſing of ſin and miſdemeanours, and the breach of the peace in the ſaid Town; Their Commiſſion ſhall be from time to time, under the hand of the Secretary of the General Court. And alſo all Marſhalls, Conſtables and other Inhabitants reſpectively, are required to be aiding and aſſiſting our Commiſſioners aforeſaid in this behalf.

And that no perſon may be diſcouraged or damnified by this Commiſſion; It ſhall be lawful for any perſon to Appeal from the Sentence of all or any of them to the Court of Aſſiſtants. [*1651.*]

A. 4. P. 2.

4. *And becauſe the Commiſſioners in the ſeveral Towns have Power of Judicature, the exerciſe whereof is of great concernment, both to Towns and Country*;

None to be Commiſſioner but ſuch as are approved.

It is therefore Ordered, that henceforth there ſhall be none admitted to be a Commiſſioner for any Town in this Juriſdiction, but ſuch whoſe converſation is inoffenſive, and whoſe fidelity to the Country is ſufficiently known and approved of by the County Court of that Shire. [*1654.*]

Charges Publick.

None to be imployed in publick ſervice at their own charge

IT is Ordered by this Court and the Authority thereof, That no Governour, Deputy Governour, Aſſiſtant, Aſſociate, Grand or Petty Jury man at any Court, nor any Deputy for the General Court, nor any Commiſſioners for Military Diſcipline at the time of their publick meetings, ſhall at any time bear his own charges, but their neceſſary expences ſhall be defrayed, either by the Town, or the Shire on whoſe ſervice they are, or by the Country in general. [*1631. 41.*]

2. *The Court conſidering the neceſſity of an equal Contribution to all common charges in Towns*;

Every Inhabitant to pay to all charges in Church and Common-wealth

Doth Order, That every Inhabitant ſhall Contribute to all Charges both in Church and Common-wealth, whereof he doth or may receive benefit: And every ſuch Inhabitant who ſhall not Contribute proportionably to his ability to all common Charges, both Civil and Eccleſiaſtical, ſhall be compelled thereunto, by Aſſeſsment and Diſtreſs, to be levied by the Conſtable or other Officer of the Town; and the Lands and Eſtates of all men (wherein

wherein they dwell) ſhall be Rated for all Town charges, both Civil and Eccleſiaſtical (as aforeſaid) where the Lands and Eſtates ſhall lye, and their perſons where they dwell.

Lands & Eſtates to pay where they lye.

3. *For a more equal and ready way of raiſing means for defraying the publick charges, and for preventing ſuch inconveniences as have fallen out upon former Aſſeſsments*;

It is Ordered and Enacted by the Authority of this Court; That the Treaſurer for the time being, ſhall from year to year in the fifth Month, without expecting any other Order, ſend his warrants to the Conſtable and Select Men of every Town within this Juriſdiction, requiring the Conſtable to call together the Inhabitants of the Town, who being ſo aſſembled, ſhall chuſe ſome one of their Freemen to be a Commiſſioner for the Town, who together with the Select men, for their prudential affairs, ſhall ſome time in the ſixth Month then next enſueing, make a Liſt of all the Male perſons in the ſame Town from ſixteen years old and upwards, and a true eſtimation of all perſonal and real eſtates, being or reputed to be the eſtate of all and every the perſons in the ſame Town, or otherwiſe under their cuſtody or managing according to juſt valuation, and to what perſons the ſame do belong, whether in their own Town or elſewhere, ſo near as they can by all lawful means which they may uſe, *viz.* of Houſes, Lands of all ſorts, as well broken up as other (except ſuch as doth or ſhall lye common for free feed of Cattle, to the uſe of the Inhabitants in general, whether belonging to Towns or particular Perſons, but not to be kept or hearded upon to the damage of the Proprietors,) Mills, Ships and all ſmall Veſſels Merchantable, Goods, Cranes, Wharfs, and all ſorts of Cattle, and all other known Eſtate whatſoever, either at Sea or on Shore; all which Perſons and Eſtates are by the ſaid Commiſſioners and Select men to be aſſeſſed and rated as here followeth, *viz.* every Perſon aforeſaid (except Magiſtrates and Elders of Churches) *one ſhilling and eight pence* by the head, and all Eſtates, both real and perſonal, at *one penny* for every *twenty ſhillings*, according to the Rates of Cattle hereafter mentioned. The Eſtates of all Merchants, Shop-keepers and Factors, ſhall be Aſſeſſed by the Rule of common eſtimation, according to the Will and Doom of the Aſſeſſors, having regard to their Stock and Eſtate, be it preſented to view or not, in whoſe hands ſoever it be; and if any ſuch Merchants finde themſelves over valued, if they can make it appear to the Aſſeſſors, they are to be eaſed by them, if not, by the next County Court; And Houſes and Land, of all ſorts (except as aforeſaid) ſhall be rated at an equal and indifferent value, according to their worth in the Towns and Places where they lye. Alſo every Bull and Cow of *four years old and upward* at *three pounds*, Heifers and Steers between *three and four years old* at *fifty ſhillings*, and between *two and three years old* at *forty ſhillings*,, and between *one and two* at *twenty ſhillings*, and every Oxe of *four years old* and upward at *five pounds*, every Horſe and Mare of *three years old* and upward *five pounds*, between *two and three* at *three pounds*, of *one year old* and upwards at *thirty ſhillings*; every Ewe ſheep above *one year old* at *ten ſhillings*, every Goat above a *year old* at *eight ſhillings*, every Weather ſheep above *one year old* at *ten ſhillings*; every Swine above *one year old* at *twenty ſhillings*; Every Aſſe above *one year old* at *forty ſhillings*: And all Cattle of all ſorts under a *year old*, are hereby exempted; as alſo all Hay and Corn in the Husbandmans hand, becauſe all Meadow, arable Ground and Cattle are Rateable as aforeſaid.

Country Rate

Treaſurers warrant to the Conſtable.

Perſons & eſtates to be valued in the ſixth month.

Perſons at 1. 8 d. per head

Eſtates at one penny per pound

A. 51. p. 1.

Merchants rated by will & doom

A. 57. p. 23.

Rate of houſe & lands.

Rate of Cattle.

And for all ſuch perſons as by the advantage of their Arts and Trades, are

Artificers and Handicrafts Rated.

are more enabled to help bear the publick charge then common labourers and Workmen, as *Butchers*, *Bakers*, *Brewers*, *Victuallers*, *Smiths*, *Carpenters*, *Taylors*, *Shoomakers*, *Joyners*, *Barbers*, *Millers and Masons*, with all other manual persons and Artists, such are to be rated for returns and gaines, proportionable unto other men for the produce of their Estates; Provided that in the Rate by the Poll, such persons as are disabled by sickness, lameness or other infirmity shall be exempted. And for such Servants and Children as take not wages, their Parents and Masters shall pay for them, but such as take wages shall pay for themselves.

Important persons exempted.

Commissioners meet at the Shire Town.

And it is further Ordered, That the Commissioners for the several Towns, in every Shire, shall yearly upon the first fourth day of the week in the seaventh Month, assemble at their Shire Town, and bring with them fairly written the just number of Males listed as aforesaid, and the Assessments of Estates made in their several Towns, according to the Rules and Directions in this present Order expressed; and the said Commissioners being so assembled, shall duely and carefully examine all the said Lists and Assessments of the several Towns in that Shire, and shall correct and perfect the same, according to the true intent of this Order, as they or the major part of them shall determine, and the same so perfected, they shall speedily transmit to the Treasurer under their hands, or the hands of the major part of them; and thereupon the Treasurer shall give warrants to the Constables to collect and levy the same; so as the whole Assessment, both for Persons and Estates, may be paid in unto the Treasurer before the *twentieth day* of the *ninth Month* yearly: And every one shall pay their Rate to the Constable in the same Town where it shall be Assessed, (nor shall any Land or Estate be Rated in any other Town but where the same shall lye, or was improved to the Owners, reputed Owners, or other Proprietors use or behoof, if it be within this Jurisdiction) And if the Treasurer cannot dispose of it there, the Constable shall send it to such place in *Boston*, or elsewhere, as the Treasurer shall appoint, at the charge of the Country, to be allowed the Constable upon his accompt with the Treasurer, and for all peculiars, *viz.* such places as are not yet laid within the bounds of any Town, the same Lands with the Persons and Estates thereupon, shall be Assessed by the Rates of the Town next unto it, the measure or estimation shall be by the distance of the meeting houses.

To perfect the Assessments.

Constables to Collect in the ninth month.

Peculiars to be Assessed at the next Town.

And if any of the said Commissioners, or of the Select men, shall wittingly fail or neglect to perform the trust committed to them by this Order, in not making, correcting, perfecting or transmitting any of the said Lists or Assessments according to the intent of this Order;

Commissioners or Select mens failings

Every such Offender shall be fined *forty shillings* for every such offence, or so much as the Country shall be damnified thereby, so it exceed not *forty shillings* for one offence, provided such offence be complained of and prosecuted within six months.

Forfeit 40.s.

And it is further Ordered, that upon all Distresses to be taken for any of the Rates and Assessments aforesaid, the Officer shall distrein Goods or Cattle if they may be had, and if no Goods, then Lands or Houses, if neither Goods nor Lands can be had within the Town where such Distress is to be taken, then to Attach the body of such persons to be carried to Prison, there to be kept till the next Court of that Shire, except they put in security for their appearance there, or that payment be made in the mean time.

And it is Ordered, that the prizes of all sorts of Corn, to be received upon any Rate by virtue of this Order, shall be such as this Court shall set

ſet from year to year, and in want thereof at price currant, to be judged by the Commiſſioners of *Eſſex*, *Middleſex* and *Suffolk*.

And it is further Ordered, that no Eſtate of Land in *England*, ſhall be Rated in any publick Aſſeſsment; And it is hereby Declared, that by publick Aſſeſsment and Rates, is intended only ſuch as are Aſſeſſed by Order of the General Court for the Countries occaſion and no other. [*1646. 47, 51, 57.*]

Land in England Rate free

4. It is Ordered, that every Conſtable within this Jurisdiction, ſhall on the penalty of *five pounds*; clear up all their Accounts with the Treaſurer, for the Rates of their ſeveral Towns, by the firſt of *May* yearly, and they and every of them are impowred to preſs *boats* or *carts*, for the better and more ſpeedy ſending in their Rates, according to the time appointed. *A. 56. P. 11*

Conſtables to clear their Accounts with the Treaſurer by the firſt of May.

And if any Conſtable ſhall not have Collected the Rates and Aſſeſsments, committed to his charge by the Treaſurer, during the time of his Office, that he ſhall, notwithſtanding the expiration of his Office have power to Levy by diſtreſs, all ſuch Rates and Levies; and if he bring them not in to the Treaſurer acording to his warrant, the Treaſurer ſhall diſtreyn ſuch Conſtables goods for the ſame. *L. 1. P. 46.*

Conſtable after the expiration of his Office hath power to Collect Rates.

And if the Treaſurer ſhall not ſo diſtreyn the Conſtable, he ſhall be anſwerable to the Country for the ſame: And if the Conſtable be not able to make payment, it ſhall be lawfull for the Treaſurer to diſtreyn for all arrearages of rates and leavyes, any man or men of that Town where the Conſtables are unable, and that man or men upon petition to the General Court, ſhall have Order to Collect the ſame again equally of the Town, with his juſt damages for the ſame. [*1640. 56.*]

Treaſurer may diſtrein the Conſtable or any other Inhabitant.

RATING STRANGERS.

THis Court underſtanding that ſeveral Gentlemen Merchants *ſtrangers, in the beginning of every yevr, frequently comming into theſe parts, and bringing great ſtore of Engliſh and other goods of all ſorts to great value; and uſually making up their markets to their great advantage before the* Sixth Month, *when the Rates, or Order for the Collecting of them by Law is to iſſue out, (not without a conſiderable diſadvantage to the Merchants and Shop-keepers, Reſidents and Inhabitants of this Colony, who have born the heat of the day, and are fain to be at all the charge for ſupporting of the Government) and the ſaid Merchants ſtrangers taking the chief of the benefit of the Trade, and make their eſcapes without any payment to ſupport the Government of this place, under, and by which they reap ſo great advantage to themſelves:* It is therefore Ordered, that it ſhall be henceforth lawfull for the Select men of each Town, where ſuch Strangers are, or ſhall be, to aſſeſs all ſuch Strangers, according to the *Cargo's* they ſhall bring into this Country: Or in caſe of their refuſall, to give a true Account of their Eſtate to the Select-men; then the ſaid Select-men ſhall, and hereby are impowred to make their Aſſeſsment on all ſuch Strangers in any Moneth of the Year, yearly, in proportion to a ſingle Rate by will and doom, as the Inhabitants of this Country are uſed to be rated; and for non-payment, by the Conſtables to Levy their ſaid Aſſeſſments, as in other caſes, by Warrant from the ſaid Select-men. [*1665.*]

Order for Aſſeſsments on Strangers.

FOR the preventing of differences ariſing between the Treaſurer of the Country and the Conſtables of the Townes, in Collecting and receiving the Country

For prevention of differences between Treaſurer and Conſtables.

Rate, and of great damage thereby happening to the Country;

It is Ordered by this Court, that where any pay is tendered, the price whereof is not determined by this Court, the place of Appriſement ſhall be where the payment is tendered to the Treaſurer, or his Order by men indifferently, choſen, as the Law directs. [*1667.*]

Miniſters of Gods word Rate free.

IT is Ordered by this Court and the Authority thereof, that henceforth the *Miniſters of Gods Word*, regularly Ordained over any Church of Chriſt, Orderly gathered and Conſtituted; ſhall be freed from all Rates for the Country, County and Church, and for the Town alſo, except where by ſpecial Contract with the Town they have conſented thereunto: Provided this freedome ſhall extend onely to ſuch eſtate as is their own proper eſtates, and under their own Cuſtody and improvement. [*1671.*]

Children and Youth.

FOrasmuch as the good Education of Children is of Singular behoofe and benefit to any Common-wealth, and whereas many Parents and Maſters are too indulgent and negligent of their duty in that kind;

Select mens care that all children may be taught to Reade.

It is Ordered, that the Select men of every Town, in the ſeveral Precincts and quarters where they dwell, ſhall have a vigilant eye over their brethren and neighbours, to ſee, Firſt that none of them ſhall ſuffer ſo much Barbariſm in any of their families, as not to endeavour to teach, by themſelves or others, their Children and Apprentices, ſo much learning, as may enable them perfectly to read the Engliſh tongue, and knowledge of the Capital Lawes: upon penalty of *twenty ſhillings* for each neglect therin.

And Catechized

Alſo that all Maſters of families, do once a week (at the leaſt) Catechiſe their children and ſervants in the Grounds and Principles of Religion, and if any be unable to do ſo much; that then at the leaſt they procure ſuch children and apprentices, to learn ſome ſhort Orthodox Catechiſme without book, that they may be able to anſwer unto the queſtions that ſhall be propounded to them out of ſuch Catechiſm, by their Parents or maſters, or any of the Select men when they ſhall call them to a tryal, of what they have learned in that kind.

Children to be brought up in ſome calling.

And farther that all Parents and Maſters do breed and bring up their chilren and apprentices in ſome honeſt lawfull Calling, Labour or imployment, either in husbandry or ſome other trade, profitable for themſelvs and the Common-wealth, if they will not or cannot train them up in learning, to fit them for higher imployments.

Unruly children placed out by Select men.

And if any of the Select men; after admonition by them given to ſuch maſters of families, ſhall find them ſtill negligent of their duty in the particulars afore mentioned, whereby Children and ſervants become rude, ſtubborn, and unruly: the ſaid Select men with the help of two Magiſtrates, or the next County Court for that Shire, ſhall take ſuch children or apprentices from them, and place them with ſome Maſters for yeares, (boyes till they come to *twenty one*, and girles *eighteen yeares* of age compleat) which will more ſtrictly look unto, and force them to ſubmit unto Government, according to the rules of this Order, if by fair meanes and former inſtructions they will not be drawn unto it. [*1642.*]

2. *Forasmuch as it appeareth by too much experience, that diverſe Children and Servants, do behave themſelves diſobediently and diſorderly towards their Parents, Maſters and Governours; to the diſturbance of families, and diſcouragement of ſuch Parents and Governours;* A. 54. P. 6.

Diſobedient Children & Servants punished by one Magiſtrat

It is Ordered by this Court and Authority thereof, That it ſhall be in the Power of any one Magiſtrate, by warrant directed to the Conſtable of that Town where ſuch offender dwells, upon complaint, to call before him any ſuch offender, and upon conviction of ſuch misdemeanors, to ſentence him to endure ſuch Corporal puniſhment, by whipping or otherwiſe, as in his judgment the Merit of the fact ſhall deſerve, not exceeding *ten ſtripes* for one offence, or bind the offender to make his appearance at the next County Court;

Or by the Commiſſioners.

And further it is alſo Ordered, that the Commiſſioners of *Boſton*, and the three Commiſſioners of each Town where no Magiſtrate dwells, ſhall have the like Power; Provided that the perſon or perſons ſo ſentenced, ſhall have liberty to make their Appeale to the next County Court, in any ſuch caſes.

3. *Upon Information of diverſe looſe, vain and corrupt perſons, both ſuch as come from Forrain parts, as alſo ſome others here inhabiting or reſiding, which inſinuate themſelves into the fellowſhip of the young people of this Country, drawing them both by night and by day, from their callings, ſtudyes and honeſt occupations, and lodging places, to the diſhonour of God, and grief of their Parents, Maſters, Tutors, Guardians and Overſeers &c.:* A. 51. P. 4.

Perſons under government not to be entertained in common houſes.

It is Ordered by this Court and the Authority thereof, That whoſoever ſhall any wayes cauſe or ſuffer any Young people or perſons whatſoever, whether Children, ſervants, apprentices, Schollars belonging to the Colledg, or any Latine ſchool, to ſpend any of their time or eſtate, by night or by day, in his or their Company, Ship or other veſſell, Shop or houſe, whether Ordinary, Tavern, victualing houſe, Cellar or other place where they have to do, and ſhall not from time to time, diſcharge and haſten all ſuch Youths to their ſeveral imployments and places of abode, or lodging aforeſaid, if their being in any ſuch place be known to them, or any other ſervant or help in the family, or ſupplying the place of a ſervant at Sea or on land: that then ſuch perſon, houſholder, ſhop-keeper, ſhip-maſter, ordinary-keeper, taverner, victualer, or other; ſhall forfeit the ſumm of *forty ſhillings* upon legal conviction before any Magiſtrate, or the Commiſſioners Authorized to end ſmall cauſes, one halfe to the informer, the other halfe to the Country; and all Conſtables in their ſeveral Limits are Required to Act herein as is provided in reference to the Law concerning Inkeepers.

On penalty of fortyſhillings.

4. *Whereas ſundry Gentlemen of quality, and others, oft times ſend over their Children into this Country to ſome friends here, hopeing (at leaſt) thereby to prevent their Extravagant and riotous courſes; who notwithſtanding (by meanes of ſome unadviſed or ill affected perſons, which give them credit, in expectation their friends either in favour to them, or prevention of blemiſh to themſelves, will diſcharge their debts) they are no leſs laviſh and profuſe here, to the great grief of their friends, diſhonour of God, reproach of the Country;*

Debts made by perſons under age not recoverable.

It is therefore Ordered by this Court, That if any perſon after publication hereof, ſhall any way give credit to any ſuch Youth, or other perſon under one and twenty yeares of age, without order from their friends here or elſe where under their hands in writing, they ſhall looſe their debt

what ever it be; And further, if such Youth or person incur any penalty by such meanes, and have not wherewith to pay, such person or persons as are occasions thereof, shall pay it, as the delinquents in the like case should do. [*1647.*]

Parents denying marriage &c;

5. If any person shall willfully and unreasonably deny any Child, timely or convenient marriage, or shall excercise any unnatural severity toward them; such children shall have liberty to complaine to Authority for redress in such cases. [*1641.*]

Orphans not be disposed on without a Court

6. No Orphan, dureing their minority, which was not committed to tuition or service by their Parents in their life time, shall afterwards be absolutely disposed of by any, withont the consent of some Court, wherin two Assistants (at least) shall be present, except in case of marriage, in which the approbation of the major part of the Select men of that Town, or any one of the next Assistants shall be sufficient, and the minority of women in case of marriage, shall be *sixteen yeares.* [*1646.*]

Chirurgions, Midwives, Physitians.

L. 1. P. 3. FOR*asmuch as the Law of God allowes no man to impaire the Life, or Limbs of any Person, but in a judicial way*;

It is therefore Ordered, That no person or persons whatsoever, imployed at any time about the bodyes of men, women or children, for preservation of life or health; as Chirurgions, Midwives, Physitians or others, presume to excercise, or put forth any act contrary to the known approved Rules of Art, in each Mystery and occupation, nor excercise any force, violence or cruelty upon, or towards the body of any, whether young or old, (no not in the most difficult and desperate cases) without the advice and consent of such as are skillfull in the same Art, (if such may be had) or at least of some of the wisest and gravest then present, and consent of the patient or patients if they be *mentis compotes*, much less contrary to such advice and consent; upon such severe punishment as the nature of the fact may deserve, which Law nevertheless, is not intended to discourage any from all lawfull use of their skill, but rather to incourage and direct them in the right use thereof, and inhibit and restreine the presumptuous arrogancy of such as through prefidence of their own skill, or any other sinister respects, dare boldly attempt to excercise any violence upon or towards the bodyes of young or old, one or other, to the prejudice or hazard of the life or limbe of man, woman or child. [*1649*]

No force or violence to be used in any case with: out consent &c.

Clerke of the Writts.

L. 2. P. 13. IT is Ordered by this Court and Authority thereof; That (notwithstanding every Magistrate hath power to graunt Warrants, Summons and Attach

Attachments) in every Town within this Jurisdiction, there ſhall henceforth be a Clerke of the Writts, nominated by each Town, and allowed by each Shire Court; to grant Summons and Attachments in all Civil Actions, at the liberty of the Plaintiffe, and Summons for Witneſſes; and the ſaid Clerks are allowed to grant Replevins, and to take Bond with ſufficient ſecurity of the party to proſecute the Suite, whoſe Fees ſhall be, for every Warrant *two pence*, a Replevin or Attachment *three pence*, and for a Bond *foure pence*. And all Attachments are to be directed to the Conſtables, in ſuch Townes where there is no Marſhal dwelling. [*1641*]

Clerks fees.

Warrants directed to the Conſtable.

It is Ordered, That henceforth the Clerke of the Writts ſhall demaund of ſuch as receive Attachments of them, *three pence* a peece more then formerly, in behalfe of the Marſhal General, which ſhall be in liew of that *three pence* on Attachments, by a former Law he was to receive of the Conſtable or County Marſhal, and that the Conſtables ſhall have but *twelve pence* upon an Attachment as formerly. [*1660*]

Clerk of the Writts to Reſpond the Marſhalls fees of 3 d Attachment.

COLLEDGE.

WHereas *through the good hand of God upon us, there is a* Colledge *founded in* Cambridge *in the County of* Middleſex, *called Harvard Colledge; for the incouragement whereof,* this Court *hath given the Summ of* four hundred pounds, *and alſo the Revenue of the Ferry betwixt* Charlestown *and* Boſton; *and that the well Ordering and manadging of the ſaid Colledge is of great concernment;*

It is therefore Ordered by this Court and the Authority thereof, That the Governour, and Deputy Governour for the time being, and all the Magiſtrates of this Jurisdiction, together with the teaching Elders of the ſix next adjoyning Townes, *viz: Cambridge, Watertowne, Charles-towne, Boſton, Roxbury and Dorcheſter*, and the *Preſident* of the ſaid Colledge for the time being, ſhall from time to time have full Power and Authority to make and eſtabliſh all ſuch Orders, Statutes and Conſtitutions, as they ſhall ſee neceſſary for the Inſtituting, Guiding and furthering of the ſaid Colledge, and ſeveral members thereof, from time to time, in Piety, Morallity and Learning, and alſo to diſpoſe, order and mannage to the uſe and behoofe of the ſaid Colledge and members thereof, all Gifts, Legacies, Bequeaths, Revenues, Lands and Donations, as either have been, are, or ſhall be Conferred, Beſtowed, or any wayes ſhall fall, or come to the ſaid Colledge. And whereas it may come to paſs, that many of the ſaid Magiſtrates and ſaid Elders may be abſent, or otherwiſe imployed about other weighty Affaires, when the ſaid Colledge may need their preſent Help and Counſell; It is therefore Ordered, that the greater number of Magiſtrates and Elders, which ſhall be preſent with the Preſident, ſhall have the Power of the whole; Provided that if any Conſtitution, Order or Orders by them made, ſhall be found hurtfull unto the ſaid Colledge, or the members thereof, or to the Weal-publick, then upon Appeal of the Party or Parties grieved, unto the company of Overſeers firſt mentioned, they ſhall Repeal the ſaid Order or Orders (if they ſhall ſee cauſe) at their next meeting,

Commiſſioners and Feoffees of the Colledge.

To make Orders

Diſpoſe of Gifts and Revenues.

or ſtand accountable thereof to the next General Court. [*1636. 40. 42.*]

A. 54. P. 2. 2. *Whereas we cannot but acknowledge the great goodnes of God towards his People in this Wilderneſs, in rayſing up Schooles of Learning, and eſpecially the* Colledge, *from whence there hath ſprung many Inſtruments, both in Church and Common-wealth, both to this and other places: And whereas at preſent the work of the* Colledge *hath been ſeveral wayes obſtructed, and ſeems yet alſo at preſent, for want of comfortable maintenance, for the incouragement of a Preſident:* This Court *takeing the ſame into their ſerious conſideration, and finding that though many Propoſitions have been made for a voluntary Contribution, yet nothing hath hitherto been obtained from ſeverall perſons and Townes, although ſome have done very liberally and freely, and fearing leaſt we ſhould ſhew our ſelves ungratefull to God, or unfaithfull to poſterity, if ſo good a Seminary of Knowledge and Virtue ſhould fall to the ground through any neglect of ours*;

One hundred pounds given by the Court to the Preſident and Fellows.

It is therefore Ordered by this Court and the Authority thereof, That (beſides the Profit of the *Ferry* formerly granted to the Colledge, which ſhall be continued) there ſhall be yearly Levyed by Addition to the Country Rate *one hundred pounds*, to be payd by the Treaſurer of the Country to the Colledge Treaſurer, for the behoofe and maintenanc of the Preſident and Fellows, to be diſtributed between the Preſident and Fellows according to the determination of the Overſeers of the Colledge, and this to continue, dureing the pleaſure of the Country.

And it is hereby Ordered, That no man ſhall ſtand engaged to pay his voluntary Contribution, that he hath under-written, by virtue of this Courts propoſitions, and that ſuch perſons as have allready done voluntarily, ſhall be conſidered for the ſame in the Country Rate, ſuch a proportion as this addition of *one hundred pounds* doth adde to the Rate, to be allowed by the Conſtable to each perſon, and by the Treaſurer to the Conſtable. [*1659*]

CONDEMNED.

None to be executed within 4 dayes after Condemnation.

IT is Ordered by this Court; That no man Condemned to dye, ſhall be put to Death within four dayes next after his condemnation, unleſs the Court ſee ſpecial cauſe to the contrary, or in caſe of Marſhal Law: nor ſhall the Body of any man ſo put to death, be unburied *twelve houres*, unleſs it be in caſe of *Anotomie*. [*1641*]

Signing of Warrants for execution.

It is Ordered by this Court and the Authority thereof, That the *Secretary* for the time being, ſhall from time to time, Signe all *Warrants* for the execution of perſons ſentenced to Death, either in the General Court or Court of Aſſiſtants: and that the *Secretary* or *Clerke* of every Court ſhall ſigne *Warrants* for executions in all other judgements of Courts Civil or Criminal; any Cuſtome or uſage to the contrary notwithſtanding. [*1668*]

CONSTABLES.

IT is Ordered by this Court and Authority thereof, That the Conſtable ſhall Whip, or Puniſh any to be puniſhed by Order of Authority (where there is not another Officer apointed to do it) in their own Townes, unleſs they can get another to do it; Alſo every Conſtable is Impowered and hereby Enjoyned, faithfully to Collect ſuch Rates and Aſſeſsments as ſhall from time to time be committed unto them, by the Select men of the ſeveral Towns, provided it be by Warrant under their hand.

Conſtable to whip.

A.ſſ.P.26

To Collect town Rates.

2. It is further Ordered; That any and every Perſon tendered to any Conſtable of this Juriſdiction, by any Conſtable or other Officer, of our owne, or belonging to any Forraine Juriſdiction in this Country, or by Warrant from any ſuch Authority; ſhall be preſently received and conveyed forthwith from Conſtable to Conſtable, till they be brought to the place to which they are ſent, or before ſome Magiſtrate of this Juriſdiction, who ſhall diſpoſe of them as the juſtice of the cauſe ſhall require.

To convey Offenders.

And all *Hues & eryes* ſhall be duely received and diligently purſued to full effect; And where no Magiſtrate is neer, every Conſtable ſhall have full power to make, ſigne, and put forth, purſuites or *Hues & eryes*, after *Murderers*, *Manſlayers*, *Peace-breakers*, *Theeves*, *Robbers*, *Burglarers*, and other Capital offenders; as alſo to Apprehend without warrant, ſuch as are overtaken with *Drinke*, *Swearing*, *Sabbath-breaking*, *Lying*, *Vagrant perſons*, *Night-walkers*; Provided they be taken in the manner, either by the ſight of the Conſtable, or by preſent information from others.

Hues & eryes to be purſued.

To be put forth by the Conſtable

Offenders to be Apprehended.

As alſo to make ſearch for all ſuch perſons, either on the Sabbath day or other, when there ſhall be occaſion, in all houſes Licenſed to ſell either Beer or Wine, or in any other ſuſpected or diſordered places, and thoſe to Apprehend and keep in ſafe cuſtody, till opportuinity ſerve to bring them before one of the next Magiſtrates, to further examination; Provided when any Conſtable is imployed by any of the Magiſtrates, for Apprehending of any perſon, he ſhall not do it without Warrant in writing;

All to aſſiſt the Conſtable on penalty of 10. ſ.

And if any perſon ſhall refuſe to aſſiſt any Conſtable, in the execution of his Office, in any of the things afore mentioned, being by him required thereto, they ſhall pay for neglect thereof *ten ſhillings*, to the uſe of the Country, to be levyed by Warrant from any Magiſtrate, before whom any ſuch offender ſhall be brought, and if it appear by good teſtumony, that any ſhall willfully, obſtinately, or contemptuouſly refuſe or neglect to aſſiſt any Conſtable as is before expreſſed, he ſhall pay to the uſe of the Country *forty ſhillings*.

Willfull neglect forty ſhillgs.

And that no man may plead ignorance for ſuch neglect or refuſall;

It is Ordered, that every Conſtable ſhall have a *Black ſtaff*, of five foot long, Tipped at the upper end about *five inches* with braſs, as a Badge of his Office, which he ſhall take with him when he goeth to diſcharge any part of his Office; which ſtaff ſhall be provided at the charge of the Town, and if any Magiſtrate, Conſtable, or any other upon urgent occaſion, ſhall refuſe to do their beſt endeavour, in rayſing and proſecuting *Hues & eryes*, by foot, and if need be by horſe, after ſuch as have committed Capital Crimes, they ſhall forfeit for every ſuch offence to the uſe aforeſaid *fourty ſhillings*. [*1646.*]

Conſtable Staff.

Not rayſing Hue and cries in Capital caſes forf.

For the Regulating and ſettling the charge of proſecution of Hues & eryes, It is Ordered, that what ſhall Ariſe by occaſion of eſcape from the Countrys Priſon

Charge of Hues and cries.

priſon, or flight from Authority to avoyd the ſame, ſhall be payd by the *Treaſurer of the Country*, and ſuch as Ariſe by flying from any of our County priſons, or to eſcape any of them, ſhall be defrayed by the *Treaſurer of that County* where the occaſion did ariſe. And ſuch perſons as procure *Hues & cryes* upon their own particular occaſions, ſhall bear all the charge ariſing therefrom; provided due accompts be made by ſuch as demand pay. [*1660.*]

Conveyances, Deeds and Writings.

A. 52. P. 15. FOR *the prevention of Clandeſtine and uncertaine Sales and Titles*; It is Ordered and Declared by this Court, That henceforth no Sale or Alienation of Houſes and Lands, within this Jurisdiction, ſhall be holden good in Law, except the ſame be done by Deed in writing, under hand and Seal, and Delivered, and Poſſeſſion given upon part in the name of the whole, by the Seller or his Atturney, ſo Authorized under hand and Seal; unleſs the ſaid Deed be acknowledged and Recorded according to Law. [*1652.*]

No ſale of Land vallid without Deed &c:

A. 51. P. 2. 2. *Whereas the unskilfullnes of ſome, that make Deeds and Conveyances of Houſes and Land, the word Heire is oftentimes Omitted, when as an Eſtate of Inheritance is intended to be paſſed by the Parties; whereupon Queſtions and Suites at Law are apt to ariſe: For the prevention whereof for time to come; This Court Ordereth;*

That all Deeds and Conveyances of Houſes and Lands in this Jurisdiction, wherein an Eſtate of Inheritance is to be Paſſed, it ſhall be expreſſed in theſe words, or to the like effect; *viz.* To Have and to Hold, the ſaid Houſe or Lands reſpectively, to the Partie or Grantee, his Heires and Aſſignes for ever; or if it be an Eſtate entayled, then to Have and to Hold &c: to the Partie or Grantee, and to the Heires of his body Lawfully begotten, or to the Heires Male of his body Lawfully begotten, between him and ſuch an one his wife, or to Have and to Hold to the Grantee for terme of life, or for ſo many yeares; Provided this Law ſhall not include former Deeds and Conveyances, but leave them in the ſame condition, as they were or ſhall be in before this Law takes effect, which ſhall be at the laſt of *October* one thouſand, ſix hundred, and fifty one, Provided alſo that this Law ſhall not extend to Houſes or Lands given by Will or Teſtament, or to any Land granted, or to be granted by the Inhabitants of a Towne. [*1651.*]

How Deeds and Conveyances are to be made.

L. 1. P. 16. 3. It is Ordered, That no Conveyance, Deed or Promiſe whatſoever, ſhall be of Validity, if it be obtained by illegal Violence, Impriſonment, Threatning, or any kind of Forcible compulſion, called *Dures*. [*1641.*]

Debts obtained by force invallid

And all Covenous or Fraudulent Aljenations or Conveyances of Lands, Tenements, or any Hereditaments, ſhall be of no force or validity, to Defeate any man from his due Debts or Legacies, or from any juſt Title, claime or poſſeſſion, of that which is ſo Fraudulently conveyed.

Fraudulent Deeds invallid.

4. *And for the avoyding all Fraudulent Conveyances, and that every man*

man may know what Eſtate or Intereſt, other men may have in any Houſes, Lands or other Hereditament, they are to deale in;

It is Ordered by the Authority of this Court, That after the end of *October, one Thouſand, ſix hundred and forty*, no Mortgage, Bargain, Sale, or Grant made, of any Houſes, Lands, Rents or other Hereditaments, where the Granter remaines in Poſſeſſion, ſhall be of any Force againſt other perſons, except the Granter and his Heires, unleſs the ſame be acknowledged before ſome Magiſtrate, and Recorded, as is hereafter expreſſed: And that no ſuch Bargain, Sale or Grant already made in way of Mortgage, where the Granter remains in poſſeſſion, ſhall be of Force againſt other, but the Granter or his heires, except the ſame ſhall be entred as is hereafter expreſſed within one Month after the date before mentioned, if the party be within this Jurisdiction, or elſewere, within three Months after he ſhall return; And if any ſuch Granter being required by the Grantee his Heires or Aſſignes, to make an Acknowledgment of any Grants, Sale, Bargain or Mortgage by him made, ſhall refuſe ſo to do, it ſhall be in the Power of any Magiſtrate to ſend for the partie ſo refuſing, and commit him to priſon without Baile or Mainpriſe, until he ſhall acknowledge the ſame, and the Grantee is to enter his Caution with the Recorder of the County Court, and this ſhall ſave his Intereſt in the mean time; And if it be Doubtfull whether it be the Deed and Grant of the party, he ſhall be bound with Sureties to the next Court of Aſſiſtants, and the Caution ſhall remaine good as aforeſaid.

Sales to be acknowledged and Recorded

Party refuſing to acknowledge his Deed to be impriſoned.

Grantee to enter his Caution.

And for the Recording of all ſuch Grants, Sales, Mortgages;

It is Ordered, that the Clerke of every Shire Court ſhall Enter all ſuch Grants, Sales, Bargains, Mortgages of Houſes, Lands, Rents and Hereditaments as aforeſaid, together with the names of the Granter and Grantee, Thing and Eſtate granted, together with the Date thereof. [*1641, 42.*]

Clerke of the Court to enter Deeds.

COUNCIL.

THIS Court conſidering how the weighty Affaires of this Jurisdiction, whether they Concern this peculiarly, or have Reference to the reſt of our Confederated Colonies, may be duely and ſpeedily Tranſacted, in the Vacancy of the General Court, for the ſatisfaction of the Commiſſioners, in reſpect of the weighty and ſuddain occaſions which may be then in hand;

Doth hereby Expreſs and Declare, that the General Court ought to be called by the Governour, when the importancy of the buſines doth require it, and that time and opportunity will ſafely admit the ſame; and that all other neceſſary matters are to be Ordered and diſpatched by the Major part of the Concil of the Common-wealth: And therefore to that end, Letters ſignifiing breifly the buſines, and the time and place of meeting for Conſultation ought to be ſent unto the Aſſiſtants.

Council how to be called together.

Alſo it is hereby Declared, that Seven of the ſaid Aſſiſtants meeting, the Governour or Deputy Governour being one, is a ſufficient Aſſembly to Act, by Impreſſing of Souldiers or otherwiſe as need ſhall be, and in caſe of extream and urgent neceſſity, when endeavours are reaſonably uſed to call together the Aſſiſtants, and the buſines will not admit delay, then

How many may Act.

Their power.

the Acts of ſo many as do Aſſemble, are to be accounted and are accounted Vallid and ſufficient: Alſo it is intended, that the General words afore mentioned, containe in them Power to Impreſs and ſend forth Souldiers, and all manner of Victuals, Veſſels at Sea, Carriages and all other neceſſaries, and to ſend *Warrants* to the Treaſurer to pay for the ſame. [*1645*]

COUNSEL. ADVICE.

L.2. P.4.

None to aske Counſel of Magiſtrate or Commiſ. in civil act.

IT is Ordered by this Court; That it ſhall not be Lawfull for any perſon to aske Counſel or Advice of any Magiſtrate, or Commiſſioner in Townes, in any Caſe wherein afterwards he ſhall or may be Plaintiffe, before ſuch Magiſtrate or Commiſſioner, under penalty of being diſinabled to proſecute any ſuch Action, (that he hath ſo propounded or taken advice as aforeſaid,) at the next Court where the caſe ſhall come to Tryal, being pleaded by way of Barr, either by the Defendant or any on his behalfe; in which Caſe the Plaintiffe ſhall pay full Coſts to the Defendant, and if the Defendant ask Couſel or Advice as aforeſaid, he ſhall forfeit *ten ſhillings* for every ſuch offence to the Plaintiffe.

COURTS.

L2..P.10, 13.

General Court the Cheif power.

IT is hereby Declared, That the General Court conſiſting of Magiſtrates and Deputies, is the chief Civil Power of this Common-wealth; which onely hath Power to Raiſe Money and Taxes upon the whole Country, and diſpoſe of Lands, *viz.* to Give and Confirme Propricties, appertaining to and immediately derived from the Country; and may Act in all affaires of this Common-wealth according to ſuch Power, both in matters of Counſel, makeing of Lawes, and matters of Judicature, by Impeaching and Sentencing any perſon or perſons according to Law, and by receiving and hearing any Complaints orderly preſented againſt any perſon or Court;

And it is Agreed, that this Court will not proceed to Judgement in any Cauſe, Civil or Criminal, before the Deputyes have taken this Oath following. [*1634, 42, 44.*]

L.2.P.24.

Deputys Oath,

I *Doe Swear by the moſt great and dreadfull Name of the Everliving God, that in all Caſes wherein I am to deliver my Vote or Sentence, againſt any Criminal Offence, or between Parties in any Civil caſe; I will deale uprightly and juſtly, according to my judgement and conſcience; And I will according to my skill and ability, Aſſiſt in all other Publick affaires of this Court, Faithfully and Truely, according to the Duty of my place, when I ſhall be preſent to attend the ſervice.*

L.1.P.16.

Magiſtrates and Deputys to ſitt apart

2. *Forasmuch as after long Experience, diverſe inconveniences are found in the manner of proceeding in this Court, by Magiſtrates and Deputies ſitting together:* It is therefore Ordered by this Court and Authority thereof; That henceforth the Magiſtrates ſitt apart, and Act all buſineſs belonging to this Court, by themſelves; by drawing up Bills and Orders,

as they ſhall ſee good in their wiſedom, which haveing agreed upon, they may preſent to the Deputies to be conſidered, and accordingly to give their Conſent or Diſſent: The Deputies in like manner ſitting by themſelves, and conſulting about ſuch Orders and Laws, as they in their diſcretion and experience ſhall finde meet for the Common good; which agreed on by them, they may preſent to the Magiſtrates, who haveing conſidered thereof, may manifeſt their Conſent or Diſſent thereto;

And no Law, Order or Sentence ſhall paſs, or be accounted an Act of this Court, without conſent of the greater part of the Magiſtrates on the one party, and the greater number of Deputies on the other party; But all Orders and Concluſions that have paſſed by Approbation of Magiſtrates and Deputyes as aforeſaid, ſhall be accounted Acts of this Court, and accordingly be Ingroſſed, which on the laſt of day every Seſſion ſhall be deliberately Read over before the whole Court; Provided that if the Magiſtrates and *Deputies* ſhall happen to differ in any caſe of Judicature, either Civil or Criminal, ſuch Caſe ſhall be determined by the Major Vote of the whole Court met together. *L. 1. P. 33.*

No Act to paſs without conſent of the major part of both. *A. 52. P. 11*

3. *FOR the Electing of the Governour, Deputy Governour, Aſſiſtants and General Officers, upon the day appointed by our Patent, to hold our yearly Election, being the laſt Wednesday of every Eaſter Tearm;*

It is Solemnly and Unanimouſly *Decreed* and Eſtabliſhed; That henceforth, the *Freemen* of this Juriſdiction, ſhall either in Perſon or by Proxy, without any Summons Attend and Conſummate the Elections on the day aforeſaid yearly; at which time alſo they ſhall ſend their *Deputyes* with full Power to conſult of and determine ſuch matters, as concern the Welfare of this Common-wealth; From which General Court, no Magiſtrate or *Deputy* ſhall depart or be diſcharged, without the conſent of the Major part both of Magiſtrates and *Deputies*, during the firſt four dayes of the firſt Seſſion, under the penalty of one *hundred pounds*, nor afterwards under ſuch penalty as the Court ſhall impoſe, Provided that the *Deputies* of *Dover*, and of ſuch other Townes as are not by Law bound to ſend *Depuies*, are at liberty of attending any after Seſſions. [*1643, 53.*]

Day of Election to be attended without Summons.

Deputies alſo to be ſent.

None to depart without leave.

4. It is hereby Ordered and declared, that the Governour and *Deputy* Governour, joyntly agreeing, or any three Aſſiſtants conſenting, have power out of Court to Reprieve a condemned Malefactor, till the next Court of Aſſiſtants, or General Court; and that the General Court onely hath Power to Pardon a condemned Malefactor. *L. 1. P. 24.*

Governour and Deputy Governour, or three Aſſiſtant power to reprieve one condemned.

Alſo it is declared, that the General Court hath Authority to ſend forth into Forraine parts, any member of this Common-wealth, of whatſoever quality, conditon, office or relation, about any publick Meſſage or Negotiation, Provided the Party ſo ſent be acquainted with the Affaires he goeth about, and be willing to undertake the Service. [*1641*]

General Court may ſend forth any perſon.

5. It is Ordered by this Court, that the Governour, *Deputy* Governour, or greater part of the Aſſiſtants, may upon urgent occaſion call a General Court at any time; But no General Court ſhall be diſſolved or adjourned, without the conſent of the Major part thereof. *L. 1. P. 36, 24.*

Powre to call a General Court Not to be diſſolved but by conſent

6. It is Ordered and declared, that the Governour ſhall have a caſting Vote, whereſoever there ſhall be an *æqui-vote*, in the Courts of Aſſiſtants or General Court, & the Preſident, or Moderator in all Courts of Civil Aſſemblies. [*1641*]

Governour and Preſident caſting vote.

The Court being ſenſible of the great neceſſity of maintaing the Authority of Courts and Magiſtrates;

L.1.P.36.

Reproach Court, or Magiſtrates penalty.

Doth Order, That whoſoever ſhall openly or willingly defame any Court of Juſtice, or the Sentences and Proceedings of the ſame, or any of the Magiſtrates, or other Judges of any ſuch Court, in reſpect of any act or ſentence therein paſſed, and be convicted thereof; ſhall be puniſhed for the ſame, by whipping, fine, impriſonment, diſfranchiſment, or baniſhment, as the qnality or meaſure of the offence ſhall deſerve.

Offences of the members of the Court in Court how cenſured.

And if any Magiſtrate or other member of any Court, ſhall uſe any reproachfull or unbeſeeming ſpeeches or behaviour, towards any Magiſtrate, Judge, or member of that Court, in the face of the Court; he ſhall bee ſharply reproved by the Governour or Preſident of the ſaid Court, and if the quality of the offence be ſuch as ſhall deſerve a further Cenſure, or if the perſon ſo reproved ſhall reply again without leave; the Court may proceed to puniſh any ſuch offender, by fine or impriſonment, or may bind him over to the next ſuperiour Court. And if in a General Court, any miſcariage ſhall be amongſt the Magiſtrates, when they are by themſelves, it ſhall be examined and ſentenced amongſt themſelves, if amongſt the Deputyes when they are by themſelves, it ſhall be examined and ſentenced when they are by themſelves, if it be when the whole Court is together, it ſhall be judged by the whole Court. [*1637, 41.*]

7. For the better Adminiſtration of Juſtice, and eaſing of the Country of unneceſſary charges and travaile;

L. 1. P.14.

Two Courts of Aſſiſtants.

their power.

It is Ordered by this Court and the Authority thereof, That there bee two Courts of Aſſiſtants yearly kept at *Boſton*, by the Governour, or Deputy Governour and the reſt of the Magiſtrates, on the *firſt Tuesday* of the *firſt month*, and on the *firſt Tuesday* of the *ſeventh month*, to hear and determine all, and onely actions of Appeale from inferiour Courts, all Cauſes of divorce, all Capital and Criminal Cauſes, extending to Life, Member or Baniſhment. And that Juſtice be not deferred, nor the Country needleſly charged; It ſhall be Lawfull for the Governour, or in his abſence the Deputy Governour (as they ſhall judge neceſſary) to call a Court of Aſſiſtants for the Tryall of any Maleſactour in Capital Cauſes.

L.3. P. 5.

Governour may call a Court of Aſſiſtants

L. 1. P. 14, 15.

County Courts who kerp them

How many judges

their Power.

Alſo there ſhall be County Courts held in the ſeveral Countyes, by the Magiſtrates living in the reſpective Counties, or any other Magiſtrates that can attend the ſame, or by ſuch Magiſtrates as the General Court ſhall appoint from time to time; together with ſuch perſons of worth, where there ſhall be need, as ſhall from time to time be appointed by the General Court (at the nomination of the Freemen of the County) to be joyned in Commiſſion with the Magiſtrates, ſo that they may be Five in all, Three whereof may keep a Court, provided there be one Magiſtrate; Every of which Courts ſhall have full power to hear and determine all Cauſes, Civil and Criminal, not extending to Life, Member or Baniſhment, (which with Cauſes of divorce, are reſerved to the Court of Aſſiſtants) and to make and conſtitute Clerks and other needfull Officers, and to Summon Juryes of Inqueſt, and Tryals out of the Towns of the County; Provided no Jurors ſhall be warned from *Salem to Ipſwich*, nor from *Ipſwich to Salem*, and the times and places for holding the County Courts ſhall be as followeth.

Suffolk

Time and place of the County Courts.

SUFFOLK.

Boſton the laſt tueſday of the ſecond Month,
The laſt tueſday of the fifth Month.
The laſt tueſday of the eighth Month.
And the laſt tueſday of the eleventh Month.

NORFOLK.

Salisbury the ſecond tueſday of the ſecond Month,
Hampton the ſecond tueſday of the eighth Month.

ESSEX.

Salem the laſt tueſday of the fourth Month,
And the laſt tueſday of the ninth Month.
Ipſwich the laſt tueſday of the firſt Month.
And the laſt tueſday of the ſeventh Month.

PASCATAQUA.

Dover, *Portſmouth* } the laſt tueſday of the fourth Month.

MIDDLESEX.

Charlſtown the third tueſday of the fourth Month,
And the third tueſday of the tenth Month.
Cambridge the firſt tueſday of the ſecond Month.
And the firſt tueſday of the eighth Month.

YORKSHIRE.

York the firſt tueſday of the fifth Monrh.

HAMPSHIRE.

North-Hampton the laſt tueſday of the firſt Month.
Springfield the laſt tueſday of the ſeventh Month.

A Judgement acknowledged before any two Magiſtrates and the Secretary or Clerk of any Court, ſhall be good in Law, and the Clerks Fee for Recording the ſame ſhall be *twelve pence*, and if the Secretary or Clerk be a Magiſtrate, he with one Magiſtrate may do it. L.1.p.7. Judgement acknowledged before two Magiſtrates.

8. *For the more ſpeedy diſpatch of all Cauſes which ſhall concern Strangers, who cannot without prejudice ſtay to attend the ordinary Courts of Juſtice*; L.1.p.15.

It is Ordered, that the Governour or Deputy Governour, with any two Magiſtrates, or when the Governour, Deputy Governour cannot attend it, that any three Magiſtrates ſhall have power upon the requeſt of Special Courts for Strangers

such Stranger, to call a special Court to hear and determine all Causes civil and criminal (triable in any County Court according to the manner of proceeding in County Courts) which shall arise between such Strangers, or wherein any such Stranger shall be party. And all Records of such proceedings, shall be transmitted to the Records of the Court of Assistants, to be entred as trials in other Courts (which shall be at the charge of the party cast or condemned in the case. [1639.]

Records of special Courts to be transmitted to the Court of Assistants.

L.2.P.15. Strangers liberty to sue at any Court.

It is further Ordered that it shall be lawful for any Stranger, upon legal Summons, to enter any Action in any Court of this Jurisdiction, against any person not residing or Inhabitant amongst us.

L.1.P.36.

9. *For preventing all occasions of partial or undue proceedings, in Courts of Justice and avoiding of jealousies;*

Judges related to parties not to give Sentence.

It is Ordered, that in every civil Cause, between Party and Party, where there is between any Judge of the Court, and any of the parties, the Relation of Father and Son, either by Nature or Marriage, Brother and Brother, Uncle and Nephew, Landlord and Tenent in matters of considerable value: Such Judge, though he may have liberty to give reasonable Advice in the case, yet shall have no power to Vote or give Sentence therein; neither shall sit as a Judge, when he shall so plead or give Advice therein. [1635.]

L.1.P.16. Offender to be Judged the next Court.

10. It is Ordered by this Court; that every person, that is to Answer for any criminal Cause, whether in Prison or under Bayle; his Cause shall be heard and determined at the next Court that hath proper cognizance thereof, if it may be done without prejudice of Justice. [1641.]

A.54.P.2.

11. *Forasmuch as the proceedings of this Court are often hindred by introducing particular cases of a private nature;*

In difficult cases Courts may consult with the General Court

It is therefore Ordered, that no Court shall transfer the Cases comeing before them, and proper to their cognizance, whether civil or criminal, but if there be difficulty in any case the Court shall state the Question, leaving out the parties Names, and may present the same to the General Court, where it may be resolved; and according to the said resolution of the General Court, the Inferiour Court that presented the Question, shall at their next meeting proceed to Judgement or Sentence. [1654.]

L.2.P.4. County Courts may admit Freemen

12. Every Court within this Jurisdiction where two Magistrates are present, may admit any Church Members, that are fit to be Freemen, giving them the Oath, and the Clerk of each Court shall certifie their Names to the Secretary at the next General Court. [1641.]

Freemens names to be Recorded

It is Ordered that the Secretary at the request of all such as are admitted to the freedome of this Colony or any in their behalf, give a true copy out of this Courts Records of their Names by them to be delivered to the Clerks or Recorders of those Courts in the several Counties to which they do belong, with a copy of the Oath of Freemen as it is now stated, that they may there take their Oathes, &c. [1666.]

Courts Ajournments.

WHereas through the extremity of the seasons in this Country, or other accidents that often happen, that Courts of Justice are sometimes put by to the great prejudice of Justice;

This

This Court doth therefore Order, that henceforth it ſhall be in the power of any one or more of the Magiſtrates, being preſent at the time and place where the Court is to be kept, to Adjourne the ſaid Court to ſome more convenient time, as though the whole Court had been met; and all Jury-men, Witneſſes and Parties ſummoned to attend the Court, either in Civil or Criminal Caſes, according to their reſpective Summons, Obligations, Attachments or other Proceſs are hereby bound to ſuch Adjournments, and all proceedings to remain in force as though the ordinary courſe of time had been attended. [*1661.*] Courts Adjournments.

CRUELTY.

IT is Ordered by this Court, That no man ſhall exerciſe any Tyranny or Cruelty towards any Bruit Creatures, which are uſually kept for the uſe of Man. [*1641.*] Cruelty.

Death Untimely.

IT is Ordered by this Court and the Authority thereof, that whenſoever any Perſon ſhall come to any ſuddain, untimely or unnatural death; ſome Aſſiſtant or the Conſtable of the Town, ſhall forthwith Summon a Jury of twelve diſcreet Men to inquire of the cauſe and manner of their Death, who ſhall preſent a true verdict thereof to ſome near Aſſiſtant, or the next County Court upon their Oath. [*1641.*] Untimely death to be inquired by a Jury.

DEBTS by *BOOK.*

ON complaint, and conſideration of ſundry Inconveniences both to Creditors and Debtors, through want of ſeaſonable examination and ballancing of Book-accompts;

It is Ordered, and by this Court Enacted, that all ſuch Book-debts as are now ſtanding out, or that hereafter ſhall be made, and that ſhall not within three years after publication hereof, or within three years after ſuch debt as hereafter ſhall be made, be accounted for or ballanced with the Book debts to be Ballance within 3 years.

the Original Debtor or his Attorney, Agent, Affigne, or other lawful Succeſſor or Subſtitute, and on Accompt or Ballance thereof, aſſured by Specialty given for it, or witneſſed by ſubſcribing the Debtor or other Accomptants Name to the Creditors Book, or Subſcription of the Witneſſes to ſuch Accompt, ſhall not be pleadable in any Court; unleſs ſuch Book-debt ſhall within the time before limited, be proſecuted or proved in ſuch Court as hath proper cognizance thereof, by Evidence competent and approved by the ſaid Court: And the Evidence there Recorded, and the Record thereof, ſhall ſecure the Creditor, his Executors and Aſſignes, unleſs the Debtor or his Aſſignes ſhall diſprove the ſame, within one year after ſuch proof made, or recovery of the ſaid Debt, if ſuch Debtor, his or her Agent, Attorney, Affigne, Subſtitute, Executor, Adminiſtrator or other lawful ſucceſſor, be or ſhall be within this Juriſdiction, or elſewhere, and have due notice from the Creditor thereof.

Deputies for the General Court.

Deputies choſen by paper.

IT is Ordered by this Court and the Authority hereof, that henceforth it ſhall be lawful for the Freemen of every Town, to chuſe (by Papers) Deputies for the General Court; who have liberty to meet together, to confer and prepare ſuch publick buſineſs, as by them ſhall be thought fit to be conſidered of at the next General Court, who alſo ſhall have the full power of all the Freemen deputed to them, for the making and eſtabliſhing of Laws, granting Lands, and to deal in all other affaires of the Common-wealth, wherein the Freemen have to do, the matter of Election of Magiſtrates and other Officers onely excepted: wherein every Freeman is to give in his Vote; Provided that no Town ſhall ſend more then two Deputies, and no Town that hath not to the number of twenty Freemen ſhall ſend more then one Deputy; and ſuch Plantations as have not ten Freemen ſhall ſend none, but ſuch Freemen may Vote with the next Town, in the choice of their Deputies, till this Court take further Order. And all Towns that have not more then thirty Freemen, ſhall be at liberty of ſending or not ſending Deputies to the General Court. [*1636. 38.— 53.*]

Their power

Number of Deputies to be ſent from particular Towns.

A. 53.

Liberty to chuſe Deputies dwelling any where in this Juriſdiction

2. And the Free men of any *ſhire* or *town*, have liberty to chooſe ſuch Deputies for the Generall Court, either in their own ſhire Town, or elſe where as they judge fitteſt, ſo be it they be Freemen, and Inhabiting this Juriſdiction.

Deputies may order their own houſe

And when the Deputies for the ſeveral Towns are met together at any General Court, it ſhall be lawful for them or the major part of them, to hear and determine any difference that may ariſe about the Election of any of their Members, and to order what may concern the well ordering of their body.

And becauſe we cannot foreſee what variety and weight of occaſions may fall into future conſideration, and what Counſels we may ſtand in need of;

It

It is Ordered that the Deputies of the General Court, ſhall not at any time be ſtated and continued but from Court to Court, or at moſt but for a year, that the Country may have an annual liberty, to do in that caſe what is moſt behooffull for the welfare thereof. [1641.34.35.] No Deputies to hold longer then one year.

And it is further Ordered, that no man although a Freeman ſhall be accepted as a Deputy in the General Court, that is unſound in Judgement, concerning the main points of Chriſtian Religion, as they have been held forth and acknowledged by the generality of the Proteſtant Orthodox Writers; or that is ſcandalous in his converſation, or that is unfaithful to this Government. A.54.p.3. Deputies to be Orthodox

And it is further Ordered, that it ſhall not be lawful for any Freeman to make choice of any ſuch perſon as aforeſaid, that is known to himſelf to be under ſuch offence or offences ſpecified, upon pain or penalty of five pounds, and the Caſes of ſuch perſons to be tried by the whole General Court. [1654.]

And henceforth the Conſtables of each Town, ſhall return the name of the perſon or perſons choſen by the Freemen to be Deputies for the General Court, and the time for which they are choſen, whether for the firſt Seſſion or for the whole year. And every Conſtable that ſhall faile in his duty herein ſhall forfeit the ſum of twenty ſhillings, to be paid to the common Treaſury; and all perſons ſo choſen as aforeſaid, accepting thereof, which ſhall be abſent from the houſe, during the time of their ſitting, without juſt grounds ſo judged by the houſe, ſhall pay twenty ſhillings a day for every ſuch defect, and the ſeveral returns of each Conſtable, ſhall be kept on file by the Clerk of the Deputies unſill the Court be ended. [1654.] Conſtable to return who are choſen Deputies and for what time.

It is Ordered by this Court and the Authority thereof, that no perſon who is an uſual and common Attorney in any Inferiour Court, ſhall be admitted to ſit as a Deputy in this Court. Common Attorney no Deputy

DISTRESSE.

IT is Ordered by this Court and the Authority thereof, that no mans Corn or Hay that is in the field, or upon the Cart, nor his Garden ſtuffe, nor any thing ſubject to preſent decay, ſhall be taken in Diſtreſs, unleſs he that takes it doth preſently beſtow it where it may not be imbezled, nor ſuffer ſpoile or decay, or give ſecurity to ſatisfie the worth thereof, if it comes to any harm. [1641.] Diſtreſs upon Corn or Hay &c

DOWRIES.

FOraſmuch as no proviſion hath been made for any certain maintenance of Wives after the deceaſe of their Husbands;

Wives to enjoy the third of their Husbands Lands, &c.

It is Ordered by this Court and the Authority thereof, that every Married Woman, (living with her Husband in this Juriſdiction, or other where abſent from him with his conſent, or through his meer default, or inevitable providence, or in caſe of *Divorce*, where ſhe is the innocent party) that ſhall not before Marriage be eſtated by way of joynture, in ſome Houſes, Lands, Tenements or other Hereditaments for tearm of life, ſhall immediately after the death of her Husband, have Right and Intereſt by way of *Dowry*, in and to one third part of all ſuch Houſes, Lands, Tenements and Hereditaments, as her Husband was ſeized of to his own uſe, either in poſſeſſion, Reverſion or Remainder, in any Eſtate of Inheritance, (or Frank-tenement not then determined) at any time during the Marriage, to have and enjoy for the tearm of her natural life, according to the Eſtate of ſuch Husband, free and freely diſcharged of, and from all Titles, *Debts*, Rents, Charges, Judgements, Executions and other Incumbrances whatſoever, had, made or ſuffered by her Husband, during the ſaid Marriage between them, or by any other perſon claiming by, from or under him, or otherwiſe, then by ſome Act or Conſent of ſuch Wife ſignified by writing under her hand, and acknowledged before ſome Magiſtrate or others, Authorized thereunto, which ſhall bar her from any Right or Intereſt in ſuch Eſtate. And if the Heir of the Husband or other perſon Intereſted, ſhall not within one Month after lawful demand made, aſſigne and ſet out to ſuch Widdow her juſt third part with conveniency, or to her ſatisfaction, according to the intent of this Law, then upon a Writ of *Dowry*, in the Court of that Shire where the ſaid Houſes, Lands, Tenements or other Hereditaments ſhall lye, or in the Court of Aſſiſtants, if the ſame lye in ſeveral Shires; her third part or *Dowry* ſhall be aſſigned her, to be ſet out in ſeveral, by Mets and Bounds, by ſuch perſons as the ſame Court ſhall appoint for that purpoſe, with all coſts and damages ſuſtained; Provided alwayes this Law ſhall not extend to any Houſes, Lands, Tenements or other Hereditaments ſold or conveyed away by any Husband *Bona fide*, for valuable conſideration before the laſt of *November one thouſand ſix hundred and forty ſeven.* Provided alſo that every ſuch widdow ſo endowed as aforeſaid, ſhall not commit or ſuffer any *ſtrip or waſte*, but ſhall maintain all ſuch Houſes, Fences and Incloſures as ſhall be aſſigned to her for her *Dowry*, and ſhall leave the ſame in good and ſufficient reparation in all reſpects. [1641.]

L. 2. p. 3.

Widdows third part to be ſet out.

Not to ſuffer ſtrip or waſte.

DROVERS.

IT is Ordered by this Court and the Authority thereof, That if any man ſhall have occaſion to lead, or drive Cattle from place to place that is

far

far off, ſo that they be weary, or hungry, or fall ſick or lame, it ſhall be lawfull to reſt and refreſh them for a competent time in any open place that is not Corn, Meadow or incloſed for ſome particular uſe. [*1641.*]

ECCESIASTICAL.

ALL the People of God within this Juriſdiction, who are not in a Church-way, and be Orthodox in Judgement, and not Scandalous in life, Shall have full liberty to gather themſelves into a Church Eſtate, provided they do it in a Chriſtian way, with the obſervation of the Rules of Chriſt revealed in his Word. Liberty to gather Churches

Provided alſo, that the General Court doth not, nor will hereafter approve of any ſuch companies of men, as ſhall joyn in any pretended way of Church-fellowſhip, unleſs they ſhall acquaint three or more Magiſtrates dwelling next, and the Elders of the Neighbour Churches where they intend to joyn and have their approbation therein. with approbation of Magiſtrates & Elders

2. It is further Ordered, that no perſon being a Member of any Church which ſhall be gathered without the approbation of the Magiſtrates and the ſaid Churches, ſhall be admitted to the freedome of this Common-wealth.

3. Every Church hath free liberty to exerciſe all the Ordinances of God, according to the Rule of the Scripture.

4. Every Church hath free liberty of Election and Ordination of all her Officers from time to time, provided they be able, pious and Orthodox. To chuſe Church Officers.

5. Every Church hath alſo free liberty of Admiſſion, Recommendation, Diſmiſſion and expulſion, or Diſpoſal of their Officers and Members upon due Cauſe, with free Exerciſe of the Diſcipline and Cenſures of Chriſt, according to the Rules of the Word. Members

6. No Injunction ſhall be put upon any Church, Church officer or Member in point of Doctrine, Worſhip or Diſcipline, whether for Subſtance or Circumſtance beſides the Inſtitution of the Lord. No Humane Inſtitutions

7. Every Church of Chriſt, hath freedome to Celebrate dayes of Faſting and Prayer and of Thanksgiving, according to the Word of God.

8. The Elders of Churches and other Brethren and Meſſengers, have liberty to meet Monthly, Quarterly or otherwiſe, in convenient Numbers and Places for Conference and Conſultation, about Chriſtian and Church Queſtions and Occaſions, provided that nothing be concluded and impoſed by way of Authority from one or more Churches upon another, but onely by way of Brotherly Conference and Conſultation. Elders meeting

9. All Churches alſo have liberty to deal with any of their Members in a Church way, that are in the hands of Juſtice, ſo it be not to retard and hinder the courſe thereof.

Churches liberty to deal with their members.

10. Every Church hath liberty to deal with any Magiſtrate, *Deputy* of Court or other Officer whatſoever, that is a Member of theirs, in a Church way, in caſe of apparent and juſt offence given in their places, ſo it be done with due obſervance and reſpect. But no Church Cenſure ſhall degrade or depoſe any man from any Civil *Dignity*, Office or Authority he ſhall have in the Common-wealth.

11. The Civil Authority here eſtabliſhed, hath power and liberty to ſee the Peace, Ordinances and Rules of Chriſt be obſerved in every Church, according to his Word as alſo to deal with any Church-member in a way of Civil Juſtice, notwithſtanding any Church Relation, Office or Intereſt.

Private meetings

12. Private meetings for Edification in Religion, amongſt Chriſtians of all ſorts, ſhall be allowed, ſo it be done without juſt offence, for number, time, place and other circumſtances. [*1641.*]

L. 2. p. 7.

13. The Treaſurer of the Country, ſhall defray the charges of the Elders of our Churches when they are imployed by ſpecial Order of the General Court. [*1642.*]

A. 58.

Whereas it is the duty of the Chriſtian Magiſtrate to take care the People be fed with wholeſome and ſound Doctrine, and in this hour of temptation wherein the Enemy deſigneth to ſow corrupt ſeed. Every company cannot be thought able or fit, to judge of the Goſpel qualifications required in the publick diſpenſers of the Word, and all Societies of Chriſtians are bound to attend Order and Communion of Churches, conſidering alſo the rich bleſſing of God, flowing from the good agreement of the Civil and Church-eſtate, and the horrible miſchiefs and confuſions that follow on the contrary;

Conſtant preachers to be without offence.

It is therefore Ordered, that henceforth no perſon ſhall publickly and conſtantly Preach to any company of People, whether in Church Society or not, or be Ordained to the Office of a *Teaching Elder*, where any two Organick Churches, Council of State, or General Court ſhall declare their diſſatisfaction thereat, either in reference to Doctrine or Practiſe, the ſaid Offence being declared to the ſaid company of People, Church or Perſon, untill the Offence be orderly removed; and in caſe of Ordination of any *Teaching Elder*, timely notice thereof ſhall be given unto three or four of the neighbouring Organick Churches, for their approbation. [*1658.*]

14. *Foraſmuch as the open contempt of Gods Word, and Meſſengers thereof, is the deſolating ſin of Civil State and Churches*;

Open oppoſers of the word.

It is Ordered, that if any Chriſtian (ſo called) within this Juriſdiction, ſhall contemptuouſly behave himſelf, towards the Word Preached, or the Meſſengers thereof, called to diſpenſe the ſame in any Congregation, when he doth faithfully execute his ſervice and Office therein, according to the Will and Word of God; either by interrupting him in his Preaching, or by charging him falſely with any Error, which he hath not taught in the open face of the Church, or like a ſon of *Korah*, caſt upon his true Doctrine, or himſelf any Reproach to the diſhonour of the Lord Jeſus who hath ſent him, and to the diſparagement of his holy Ordinance, and making Gods wayes contemptible and ridiculous: that every ſuch perſon or perſons (whatſoever cenſure the Church may paſs) ſhall for the

firſt

firſt Scandal be convented and reproved openly by the Magiſtrate at ſome Lecture, and bound to their good behaviour.

And if a ſecond time they break forth into the like contemptuous carriages, they ſhall either pay five pounds to the publick Treaſury, or ſtand two hours openly upon a Block or Stool, four foot high, on a Lecture day, with a paper fixed on his breaſt, written in Capital Letters,

AN OPEN AND OBSTINATE CONTEMNER OF GODS HOLY ORDINANCES,

that others may hear and be aſhamed of breaking out into the like wickedneſs. [*1646.*]

And every Chriſtian as aforeſaid, that ſhall go about to deſtroy or diſturb the Order and Peace of the Churches eſtabliſhed in this Juriſdiction, by open renouncing their Church eſtate, or their Miniſtry, or other Ordinances diſpenſed in them, either upon pretence that the Churches were not planted by any new Apoſtle, or that Ordinances are for carnal Chriſtians, or for Babes in Chriſt, and not for ſpiritual or illuminated perſons, or upon any other ſuch like groundleſs conceit; every ſuch perſon who ſhall be found culpable herein, after due means of conviction, ſhall forfeit to the publick Treaſury, forty ſhillings for every month, ſo long as he ſhall continue in that his obſtinacy. [*1646.*] *L. 2. p. 5.*

Diſturbers of order and peace of Churches penalty.

15. *Wherever the Miniſtry of the Word is Eſtabliſhed, according to the Order of the Goſpel throughout this Juriſdiction*;

Every perſon ſhall duely reſort and attend thereunto reſpectively on the Lords dayes, and upon ſuch publick Faſt dayes, and dayes of Thankſgiving, as are to be generally obſerved by appointment of Authority. And if any perſon within this Juriſdiction ſhall without juſt and neceſſary cauſe, withdraw himſelf from the publick Miniſtry of the Word, after due means of conviction uſed, he ſhall forfeit for his abſence from every ſuch publick meeting *five ſhillings*. And all ſuch offences may be heard and determined from time to time, by any one or more Magiſtrates. [*1646.*]

Abſence from Meeting

16. *To the end there may be convenient Habitations for the Miniſters of the Word*;

It is Ordered, that the Inhabitants of every Town, ſhall take care to provide the ſame, either by hiring ſome convenient Houſe, for the uſe of the preſent Miniſter, or by compounding with him, allowing him a competent and reaſonable ſum to provide for himſelf, ſo long as he ſhall continue with them, or by building or purchaſing an houſe for the Miniſter and his ſucceſſors in the Miniſtry, as the major part of the ſaid Inhabitants ſhall agree. And the particular ſums aſſeſſed upon each perſon by a juſt Rate, ſhall be collected and levyed as other Town Rates.

Miniſters houſes how to be provided for

17. *That there may be a ſettled and incouraging maintenance of Miniſters in all Towns and Congregations within this Juriſdiction*. *A. 54. p. 6.*

It is Ordered, that the County Court in every Shire, ſhall upon information given them of any defect, of any Congregation or Town within the Shire, order and appoint what maintenance ſhall be allowed to the Miniſter of the place, and ſhall iſſue out warrants to the Select men to aſſeſs the Inhabitants, which the Conſtable of the ſaid Town ſhall collect and levy as other Town Rates. And it is hereby Declared to be our intention that an honourable allowance be made to the Miniſter, reſpecting the ability of the place, and

Proviſion for Miniſters maintenance

if any Town ſhall finde themſelves burdened by the Aſſeſsments of the County Court, they may complain to the Court, which will at all times be ready to give juſt releaſe to all men. [*1654.*]

IT being the great duty of this Court, to provide that all Places and People within our Gates be ſupplied of an able and faithful Miniſter of Gods Holy Word;

Be it therefore Ordered and Enacted by this Court and the Authority thereof, That the County Courts in their reſpective precincts, do diligently and carefully attend the execution of ſuch Orders of this Court, as concerns the maintenance of the Miniſtry, and the purging of their Towns and Peculiars from ſuch Miniſtry and publick preachers as ſhall be found vicious in their lives, or perniciouſly Hetrodox in their Doctrine; and for all places deſtitute of an able and faithful Miniſtry, that they uſe their beſt endeavour for the procuring and ſetling of ſuch faithfull Laboarers in Gods Vineyard, and that the charges of their procuring, and ſetling, be levyed on the Inhabitants, as the Law for maintenance of Miniſters directs; and that for the future there may be no neglect hereof: the Preſidents of each County Court, ſhall duely from time to time give it in charge to the Grand-juries of their reſpective Courts, to preſent all abuſes and neglects of this kinde, and that with all care and diligence the ſame be redreſſed, that ſo the Name of the Lord our God being known in our dwellings, and exalted in our gates, he may ſtill delight in us, to continue his favourable preſence with us, and our unparaleld enjoyments both temporal and ſpiritual, which through the rich mercy of God in Chriſt hitherto we have enjoyed, and not be provoked through our prophane ſlightings and deſpiſing thereof, to bereave us and our poſterities of ſuch choice Mercies. [*1660.*]

Provision for an able Miniſtry.

WHereas the Chriſtian Magiſtrate is bound by the Word of God to preſerve the Peace, Order or Liberty of the Churches of Chriſt, and by all due means to promote Religion in Doctrine and Diſcipline, according to the Word of God; and whereas by our Law, tit. *Eccleſiaſtical*, Sect. 4.

It is Ordered and Declared, that every Church hath free liberty of Calling, Election and Ordination of all her Officers, from time to time, provided they be able, pious, and Orthodox: For the better explanation of the ſaid Law, and as an addition thereunto, this Court doth Order and Declare, and be it hereby Ordered and Enacted, that by the Church, is to be meant, ſuch as are in full Communion only; and that the teaching Officer or Officers of ſuch Church or Churches, we do intend ſhall be the Miniſter or Miniſters to all the People in that Town where ſuch Church or Churches are planted; and that no Inhabitant in any Town ſhall challenge a right unto, or act in the Calling or Election of ſuch Officer or Miniſter, until he be in full communion, upon the penalty of being accounted a diſturber of peace and order, and to be puniſhed by the Court of that Shire, either by Admonition, Security for the good Behaviour, Fine, or Impriſonment, according to the quality and degre of the offence.

Choice of Church Officers.

Elections.

ELECTIONS.

IT is Ordered by this Court and the Authority thereof, that for the yearly chuſing of Aſſiſtants, the Freemen ſhall uſe Indian Corn and Beans, the Indian Corn to manifeſt Election, the Beans contrary; and if any Freeman ſhall put in more then one Indian Corn or Bean, for the choice or refuſal of any publick Officer, he ſhall forfeit for every ſuch offence, *ten pounds*, and that any man that is not free, or hath not liberty of voting, putting in any vote, ſhall forfeit the like ſum of *ten pounds*. [*1643.*]

Election by Indian Corn and Beans.

None but Freemen to put in votes.

2. *For the preventing many inconveniences, that otherwiſe may ariſe upon the yearly day of Election, and that the work of that day may be the more orderly, eaſily and ſpeedily iſſued*;

It is Ordered by this Court and the Authority thereof; that the Freemen of this Juriſdiction, which ſhall not perſonally appear at *Boſton*, to give in their votes on the day of Election, ſhall and may in their ſeveral Towns, from time to time give in their votes for Elections, before their Deputy and the Conſtable, who ſhall take them and Seal them up in diſtinct papers, and ſend them to the Court of Elections, all the Aſſiſtants to be choſen by Indian Corn and Beans, as aboveſaid.

Elect. by proxies ſent, ſealed up.

The Governour, Deputy Governour, Major General, Treaſurer, Secretary, and Commiſſioners of the United Colonies, by wrighting the names of the perſons Elected, in papers open, or once foulded, not twiſted nor rowled up, that they may be the ſooner peruſed. And ſuch ſmall villages as ſend no Deputies, the Conſtable thereof, with two or three of the chief Freemen ſhall receive the votes of the reſt of the Freemen, and deliver them together with their own ſealed up, to the Deputy of the next Town, who ſhall carefully convey the ſame unto the ſaid Court of Election. [*1647.*]

Elect. of Govern. &c. by papers.

3. *Foraſmuch as the choice of Aſſiſtants or Magiſtrates yearly, is of great concernment, and with all care and circumſpection to be attended*; *L. 2. p. 10.*

It is Ordered by this Court and the Authority thereof, that the Conſtables of every Town within this Juriſdiction, ſhall call together all their Freemen ſome day in the ſecond week of the firſt Month yearly to give in their votes in diſtinct papers for ſuch perſons (being Freemen and reſident within this Juriſdiction, as well the Magiſtrates in preſent being as others) whom they deſire to have choſen for Magiſtrates or Aſſiſtants at the next Court of Election, not exceeding the number of eighteen, and no Freeman ſhall put in above one vote for one perſon, under the penalty of *ten pounds* for every offence. *A. 52. p. 15.*

Nomination of Magiſtrates in Towns.

And the ſaid Freemen (ſo met together) or the major part of them, ſhall then and there appoint one to carry their votes ſealed up unto their Shire Towns, upon the laſt fourth day of the week in the firſt Month following, at twelve of the clock from time to time, which perſons for each Town ſo aſſembled, ſhall appoint one of themſeves as a Commiſſioner of each Shire, to carry them to *Boſton* the ſecond third day of the ſecond Month, there to be opened and peruſed in the preſence of one or two Magiſtrates (if they be in Town) if otherwiſe, by thoſe perſons that brought *A. 58.*

Votes to be ſent to the Shire Town.

brought them at the Court House in *Boston*, or ſuch other place as the Commiſſioner of *Suffolk* ſhall appoint; and thoſe eighteen that have moſt Votes, ſhall be the men (and they only) which ſhall be nominated at the Court of Election for Magiſtrates or Aſſiſtants as aforeſaid, and the ſaid Commiſſioner of each Shire, ſhall forthwith ſignifie to the Conſtable of the ſeveral Towns within their County, in wrighting under their hands, the names of thoſe eighteen perſons aforeſaid, all which the Conſtable in each Town ſhall timely ſignifie to their Freemen. And as any have more Votes then other, ſo ſhall they be nominated for Election, except ſuch of the eighteen who were Magiſtrates the year before, who ſhall have precedency of all others in nomination on the day of Election. And if any perſon be truſted in this Order, ſhall fail in the diſcharge of their truſt, ſhall forfeit *ten pounds*. [*1649.*]

Commiſſioner of the Shire to return the names of the perſons nominated to the Conſtables

Old Magiſtrates to be firſt put to Election.

4. It is Declared by this Court, to be the conſtant liberty of the Freemen of this Juriſdiction, to chuſe yearly at the Court of Election out of the Freemen, all the General Officers of this Juriſdiction, and if they plea e to diſcharge them at the Court of Election, by way of Vote, they may do it without ſhewing cauſe; but if at any other General Court, we hold it due Juſtice that the reaſon thereof be alleadged and proved. By General Officers we mean our *Governour, Deputy Governour, Aſſiſtants, Treaſurer, Major General, Admiral at Sea, Commiſſioners for the United Colonies, Secretary of the General Court*, and ſuch others as are, or hereafter may be of like General nature. [*1641.*]

Freemen to chuſe all general Officers

WHereas *it is found by experience, that there are many who are Inhabitants of this juriſdiction, who are Enemies to all Government, Civil and Eccleſiaſtical, who will not yield Obedience to Authority, but make it much of their Religion to be in oppoſition thereto, and refuſe to bear Arms under others, who notwithſtanding combine together in ſome Towns, and make Parties ſuitable to their deſignes, in Election of ſuch perſons according to their ends*;

It is therefore Ordered by this Court and the Authority thereof, that all perſons, *Quakers* or others, which refuſe to attend upon the publick Worſhip of God here Eſtabliſhed; that all ſuch perſons whether Freemen or others, acting as aforeſaid, ſhall, and hereby are made uncapable of Voting in all civil Aſſemblies during their obſtinate perſiſting in ſuch wicked wayes and courſes, and until certificate be given of their Reformation.

Perſons exempt from voting in Elections

And it is further Ordered, that all thoſe Fines and Mulcts of any ſuch Delinquents as aforeſaid, which are not gathered nor paid to the ſeveral Treaſurers of the Counties, as alſo what Fines ſhall be laid on them for the future, ſhall be delivered by the Order of the County-Treaſurers reſpectively to the Select men of the ſeveral Towns whereunto they belong, to be by them improved for the poor of the Town.

ESCHEATS.

IT is Ordered by this Court and the Authority thereof, that where no Heir or owner of Houſes, Lands, Tenements, Goods or Chattels can be found, they ſhall be ſeized to the publick Treaſury, till ſuch Heirs or Owners ſhall make due claim thereto, unto whom they ſhall be reſtored upon juſt and reaſonable tearms. [*1646.*]

FARMS.

IT is Ordered by this Court and the Authority thereof, that all farms which are within the bounds of any Town, ſhall henceforth be of the ſame Town, in which they lye, except *Meadford.* [*1641.*]

Faires and Markets.

IT is Ordered by the Authority of this Court, that there ſhall henceforth be a Market kept at *Boſton* in the County of *Suffolk*, upon the fifth day of the week from time to time. *Boſton.*

And at *Salem* in the County of *Eſſex*, upon the fourth day of the week from time to time. *Salem.*

And at *Lyn* on the third day of the week from time to time. *Lyn.*

And at *Charlſtown* in the County of *Middleſex* upon the ſixth day of the week from time to time. *Charlstown.*

It is alſo Ordered and hereby Graunted to *Boſton* aforeſaid, to have two *Fairs* in a year; on the firſt third day of the third Month, and on the firſt third day of the eighth Month, from year to year to continue for two or three dayes together.

Alſo to *Salem* aforeſaid, to have two *Fairs* in a year, on the laſt fourth day of the third Month, and the laſt fourth day of the ſeaventh Month from year to year. *L.2.p.7.*

Alſo to *Watertown*, in the County of *Middleſex*, two *Fairs* in a year, on the firſt ſixth day of the fourth Month, and the firſt ſixth day of the ſeaventh Month. *Watertown.*

Alſo to *Dorcheſter*, in the County of *Suffolk*, two *Fairs* in a year, on the fourth third day of the firſt Month, and the laſt fourth day of the eighth Month, from year to year. [*1633, 34, 36, 38, 48.*]

FERRIES.

FOR ſettling all common Ferries in a right courſe, both for the Paſſengers and Owners;

Men may paſs Ferries in their own Boats

It is Ordered by this Court and the Authority thereof, That whoſoever hath a Ferry granted upon any paſſage, ſhall have the ſole liberty for tranſporting Paſſengers, from the place where ſuch Ferry is granted, to any other Ferry place, where Ferry Boats uſe to land; and any Ferry Boat that ſhall land Paſſengers at any other Ferry, may not take Paſſengers from thence, if the Ferry Boat of that place be ready; Provided this Order ſhall not prejudice the liberty of any that do uſe to paſs in their own or neighbours *Cannoos* or *Boats* to their ordinary labour or buſineſs. But no Ferry man ſhall carry over the water any Paſſengers in a *Cannoo*, but in caſe of neceſſity, and upon his own deſire, under the pain of forfeiture of the *Cannoo* or the value thereof to the Treaſury.

L. 2. p. 7.

Ferry men not to carry in cannoos.

And at *Weymouth* Ferry, every ſingle perſon ſhall pay for his Paſſage two pence.

And all Ferry men are allowed to take double pay at all common Ferries after day light is done, and thoſe that make not preſent pay, being required, ſhall give their names in wrighting, or a pawn to the Ferry men, or elſe he may complain of any ſuch to a Magiſtrate for ſatisfaction.

Magiſtrates and Deputies ſo paſs free

And it is Ordered, that all Magiſtrates, and ſuch as are, or from time to time ſhall be choſen Deputies of the General Court, with their neceſſary attendance, *viz.* a Man and a Horſe at all times, during the time of their being Magiſtrates or Deputies (but not their Families) ſhall be Paſſage-free over all Ferries, that pay no Rent to the Country.

2. *And for the preventing of danger in the Paſſing at Common Ferries;*

None to enter the Ferry boat without leave of the Ferry men Magiſtrates, Deputies or Elders

It is Ordered, That no perſon ſhall preſs or enter into a Ferry Boat contrary to the Will of the Ferry man, or of the moſt of the Paſſengers firſt entred upon pain of *ten ſhillings* for every ſuch attempt.

And that every Ferry man that ſhall permit or allow any perſon to come into his Boat, againſt the will of any of the Magiſtrates or Deputies, or any of the Elders ſhipped in ſuch Boat, or the greater part of the Paſſengers in the ſaid Boat, ſhall forfeit for every perſon ſo admitted or received, againſt ſuch their will ſo declared, the ſum of *twenty ſhillings*.

And it ſhall be in the power of any of the Ferry men, to keep out, or put out of his Boat, any perſon that ſhall preſs, enter into, or ſtay in any ſuch Ferry Boat, contrary to this Order.

Men paſs as they come except publick perſons.

And it is further Ordered, that all perſons ſhall be received into ſuch Ferry Boats according to their comeing firſt or laſt, only all publick perſons, or ſuch as go upon publick or urgent occaſions, as *Phyſitians*, *Chyrurgeons* and *Midwives*, and ſuch other as are called to Womens Labours, ſuch ſhall be tranſported with the firſt. [*1641, 44, 46, 47.*]

Fines.

FINES.

IT is Ordered by this Court and Authority thereof, that every Offender fined for the breach of any Penal Law, ſhall forthwith pay his or their Fine or Penalty, or give ſecurity ſpeedily to do it, or be impriſoned, or kept to work till it be paid, unleſs the Court or Judge that impoſed the Fine, ſee cauſe to reſpite the ſame; And in all Courts, where any Fine or Fines or other Sums of Money ſhall be aſſeſſed or received; And alſo when any Magiſtrate or Commiſſioner, ſhall aſſeſs any Fines, or receive any Sum, for the uſe of the Country, by virtue of any ſpecial Order, the *Secretary* or *Clerk* of each Court, and every ſuch Magiſtrate and Commiſſioner, ſhall within fourteen dayes, ſend a Tranſcript or Note of the ſaid Fines and other dues to the Treaſurer of the Country or County to whom it doth belong, who ſhall forthwith give warrant to the Marſhal to collect and levy the ſame: And if no goods can be found to ſatisfie ſuch Fine or other dues, the Marſhall ſhall Attach the Body of ſuch perſons, and impriſon them till ſatisfaction be made; Provided that any Court of Aſſiſtants or County Court, may diſcharge any ſuch perſon from impriſonment, if they be unable to make ſatisfaction. [*1638, 46.*]

L. 1. p. 38.

Fines to be paid preſently

L. 2. p. 7.

Clerk to return all Fines to the Treaſurer in fourteen dayes

L. 1. p. 22.

Marſhal to Attach the Body where Goods are not, &c.

Firing and Burning.

IT is Ordered by this Court and Authority thereof, that whoſoever ſhall kindle any Fires in the Woods, or Grounds lying in Common, or incloſed, ſo as the ſame ſhall run into Corn grounds or Incloſures before the tenth day of the firſt Month, or after the laſt of the ſecond Month, or on the laſt day of the Week, or on the Lords day, ſhall pay all damages, and half ſo much for a Fine, or if not able to pay, then to be Corporally puniſhed, by warrant from one Magiſtrate, or the next County Court, as the offence ſhall deſerve, not exceeding *twenty ſtripes* for one offence. Provided that any man may kindle fire in his own ground ſo as no danger come thereby, either to the Country or to any particular perſon; and whoſoever ſhall wittingly and willingly burn or deſtroy any Frame, Timber, Hewed, Sawen or Riven Heaps of Wood, Charcoal, Corn, Hay, Straw, Hemp or Flax, he ſhall pay double damages.

Firing of ground when lawful, when forbidden

2. *Whereas ſome dwelling Houſes, and other Houſes within this Juriſdiction, have been ſet on Fire, and the means or occaſion thereof not diſcovered, though ſome perſons have been vehemently ſuſpected to have been Inſtrumental therein: The Court taking into conſideration the danger of ſuch a wicked practiſe, eſpecially in Towns where the Houſes are near adjoyning, and there being no Law yet provided for the puniſhment of ſo hainous a crime;*

A. 52. p. 11.

Doth therefore hereby Order, and be it Enacted by the Authority of

this Court, that any perſon or perſons whatſoever, of the age of ſixteen years and upward, that ſhall after the publication hereof, wittingly and willingly ſet on fire any *Barn, Stable, Mill, out House, Stack of Wood, Corn or Hay*, or any other thing of like nature, ſhall upon due conviction by teſtimony or confeſſion, pay double damages to the party damnified, and be ſeverely whipt.

Burning Houſes. And if any perſon of the age aforeſaid, ſhall after the publication hereof, wittingly, and willingly, and felloniouſly, ſet on fire any *Dwelling Houſe, Meeting Houſe, Store Houſe*, or ſhall in like manner, ſet on fire any *out-Houſe, Barn, Stable, Leanto, Stack of Hay, Corn or Wood*, or any thing of like nature, whereby any *Dwelling Houſe, Meeting Houſe or Store Houſe*, cometh to be burnt, the party or parties vehemently ſuſpected thereof, ſhall be apprehended by Warrant from one or more of the Magiſtrates, and committed to Priſon, there to remain without Baile, till the next Court of Aſſiſtants, who upon legal conviction by due proof, or confeſſion of the Crime, ſhall adjudge ſuch perſon or perſons to be put to death, and to forfeit ſo much of his Lands, Goods or Chattels, as ſhall make full ſatisfaction, to the party or parties damnified. [*1652.*]

Capital.

Fiſh. Fiſhermen.

WHereas it hath been a cuſtome for forreign Fiſhermen to make uſe of ſuch Harbours and Grounds in this Country, as have not been Inhabited by Engliſh men; and to take Timber and Wood at their pleaſure for all their occaſions, yet in theſe parts which are now poſſeſſed, and the Lands diſpoſed in proprieties, unto ſeveral Towns and Perſons, by the Kings Graunt, under the great Seal of England;

Repealed. pag. 5. 1661. It is Declared; That it is not Lawfull for any Perſon, either Fiſher-man or other, either Forreigner or of this Country, to enter upon the Lands ſo appropriate to any Town or Perſon, or to take Wood or Timber in any ſuch place, without the Licence of ſuch Town or Proprietor, and if any perſon ſhall Treſpaſs herein, the Town or Proprietor ſo injured, may take their remedy by action at Law, or may preſerve their goods or other intereſt, by oppoſing Lawfull force againſt ſuch unjuſt violence; Provided that it ſhall be lawfull for ſuch Fiſhermen as ſhall be imployed by any Inhabitants of this Juriſdiction, in the ſeveral ſeaſons of the year, to make uſe of any of our Harbours, and ſuch Lands as are near adjoyning for the drying of their Fiſh or other needful occaſions, as alſo to have ſuch Timber and Fire wood, as they ſhall have neceſſary uſe of for their Fiſhing-ſeaſons where it may be ſpared, ſo as they make due ſatisfaction for the ſame to ſuch Town or Proprietor. [*1646.*]

2. *Whereas much Damage hath ariſen to Merchants trading hence, by bad making of Fiſh, and the credit of our Trade therein hath much ſuffered*;

A. 52. p. 9, 10. It is therefore Ordered, That at every fiſhing place within this Juriſdiction, ſome diſcreet and honeſt perſon be appointed by the County Court, unto which ſuch Fiſhing place doth belong, and thoſe perſons ſo nominated and

and appointed, are by this Court impowred to give Oath unto ſuch perſons as ſhall be choſen by the deliverers and receivers of any Fiſh, who have liberty hereby, either of them, to chuſe one or more ſufficient knowing men in ſuch caſes, to view what Fiſh is delivered and received; which viewers ſhall be ſworn as aforeſaid, and what they approve of as Merchantable, the receiver ſhall accept, and what is Refuſe Fiſh ſhall be caſt by, and the ſaid viewers for their labour and pains aforeſaid, ſhall be allowed *one penny per Quintal* for ſo much Merchantable Fiſh as he or they ſhall view, to be paid one half by the deliverer, and the other half by the receiver:

Sworn viewers of Fiſh at all Fiſhing places

And for further direction to the viewers in tryal of Fiſh;

It is hereby Ordered, That all Sun burnt, ſalt burnt and Dry Fiſh, that hath been firſt pickled, ſhall be judged un-Merchantable.

FOr the Explanation of an Order bearing date, *1646.* and the Repealing of the ſame, *1667.* For giving a liberty to Fiſhermen, according to a Reſervation in the Patent, to cut down Wood for Flakes or Stage and other uſes about their Fiſhing imploy, that it is intended only in that Order to give liberty to ſuch as are Strangers, and come only to make Fiſhing Voyages, and not to Fiſhermen that are Inhabitants, who are not to treſpaſs upon any perſon in their propriety, but are liable to make ſatisfaction with damages as in any other Action of Treſpaſs, no way reſtraining Fiſhermen in Common Lands, any Law, Cuſtome or Uſage to the contrary notwithſtanding.

Fiſhermens liberty to cut flakes regulated

IT is Ordered by this Court and the Authority thereof, that no man ſhall henceforth kill any Cod-fiſh, Hake, Hadduck or Polluck, to be dried for ſale in the Month of *December* or *January*, becauſe of their ſpawning time, nor any Mackrell to Barrel up in the Month of *May* or *June*, under penalty of paying *five ſhillings* for each Quintal of Fiſh, and *Five ſhillings* for each Barrel of Mackrell; nor ſhall any Fiſherman caſt the Garbage of the Fiſh the catch over board at or near the Ledges or Grounds where they take the Fiſh; nor ſhall any of the Boats crew refuſe or neglect to obey the Order of the Maſter of the Veſſel to which they belong, for the times and ſeaſons of Fiſhing; nor ſhall they take or drink any more Strong Liquors then the Maſter thinks meet to permit them; the breach of theſe three laſt being under the penalty of *Twenty ſhillings* for the firſt Offence; for the ſecond *forty ſhillings*; for the third *three Months Impriſonment*, one third part of the aforeſaid Fines to the Informer proving the ſame. [*1668.*]

No Fiſh to be kild when they go to ſpawn.

THis Court being informed, that the taking of Mackrel at unſeaſonable times do greatly diminiſh their increaſe, and will in the iſſue tend to the ſpoil of the Trade thereof;

this Court, that any perſon or perſons whatſoever, of the age of ſixteen years and upward, that ſhall after the publication hereof, wittingly and willingly ſet on fire any *Barn, Stable, Mill, out House, Stack of Wood, Corn or Hay*, or any other thing of like nature, ſhall upon due conviction by teſtimony or confeſſion, pay double damages to the party damnified, and be ſeverely whipt.

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2. *Whereas much Damage hath ariſen to Merchants trading hence, by bad making of Fiſh, and the credit of our Trade therein hath much ſuffered*;

A. 52. p. 9, 10. It is therefore Ordered, That at every fiſhing place within this Juriſdiction, ſome diſcreet and honeſt perſon be appointed by the County Court, unto which ſuch Fiſhing-place doth belong, and thoſe perſons ſo nominated and

and appointed, are by this Court impowred to give Oath unto ſuch perſons as ſhall be choſen by the deliverers and receivers of any Fiſh, who have liberty hereby, either of them, to chuſe one or more ſufficient knowing men in ſuch caſes, to view what Fiſh is delivered and received; which viewers ſhall be ſworn as aforeſaid, and what they approve of as Merchantable, the receiver ſhall accept, and what is Refuſe Fiſh ſhall be caſt by, and the ſaid viewers for their labour and pains aforeſaid, ſhall be allowed *one penny per Quintal* for ſo much Merchantable Fiſh as he or they ſhall view, to be paid one half by the deliverer, and the other half by the receiver:

Sworn viewers of Fiſh at all Fiſhing places

And for further direction to the viewers in tryal of Fiſh;

It is hereby Ordered, That all Sun burnt, ſalt burnt and Dry Fiſh, that hath been firſt pickled, ſhall be judged un-Merchantable.

FOr the Explanation of an Order bearing date, *1646.* and the Repealing of the ſame, *1667.* For giving a liberty to Fiſhermen, according to a Reſervation in the Patent, to cut down Wood for Flakes or Stage and other uſes about their Fiſhing imploy, that it is intended only in that Order to give liberty to ſuch as are Strangers, and come only to make Fiſhing Voyages, and not to Fiſhermen that are Inhabitants, who are not to treſpaſs upon any perſon in their propriety, but are liable to make ſatisfaction with damages as in any other Action of Treſpaſs, no way reſtraining Fiſhermen in Common Lands, any Law, Cuſtome or Uſage to the contrary notwithſtanding.

Fiſhermens liberty to cut flakes regulated

IT is Ordered by this Court and the Authority thereof, that no man ſhall henceforth kill any Cod-fiſh, Hake, Hadduck or Polluck, to be dried for ſale in the Month of *December* or *January*, becauſe of their ſpawning time, nor any Mackrell to Barrel up in the Month of *May* or *June*, under penalty of paying *five ſhillings* for each Quintal of Fiſh, and *Five ſhillings* for each Barrel of Mackrell; nor ſhall any Fiſherman caſt the Garbage of the Fiſh the catch over board at or near the Ledges or Grounds where they take the Fiſh; nor ſhall any of the Boats crew refuſe or neglect to obey the Order of the Maſter of the Veſſel to which they belong, for the times and ſeaſons of Fiſhing; nor ſhall they take or drink any more Strong Liquors then the Maſter thinks meet to permit them; the breach of theſe three laſt being under the penalty of *Twenty ſhillings* for the firſt Offence; for the ſecond *forty ſhillings*; for the third *three Months Impriſonment*, one third part of the aforeſaid Fines to the Informer proving the ſame. [*1668.*]

No Fiſh to be killd when they go to ſpawn.

THis Court being informed, that the taking of Mackrel at unſeaſonable times do greatly diminiſh their increaſe, and will in the iſſue tend to the ſpoil of the Trade thereof;

To prevent damage by unſeaſonable killing of Mackrel.

Do Order and Enact, That henceforth no *Mackrell* ſhall be caught, except for ſpending whilſt freſh, before the firſt of *July* annually, on penalty of the loſs of the ſame; the one half to the Informer, and the other half to the uſe of the Country. And any Magiſtrate or County Court is impowred to act herein to all intents and purpoſes, for the execution of this Law.

To prevent damage by ſalting Fiſh with *Turtooda's* ſalt.

WHereas by the bleſſing of God, the Trade of Fiſhing hath been advantagious to this Country, which is like to be much impaired by the uſe of Turtooda's *Salt, which leaves ſpots upon the Fiſh, by reaſon of Shells and Traſh in it: For prevention thereof*;

This Court doth Order, and be it hereby Enacted, That all ſuch Fiſh that is ſalted with *Turtooda's* Salt, and thereby ſpotted as aboveſaid, ſhall not be accounted for Merchantable Fiſh: and all ſworn Cullers of Fiſh are hereby required to have ſpecial regard to the fulfilling of this Order, any Law or Cuſtome to the contrary notwithſtanding.

FORGERY.

IT is Ordered by this Court and the Authority thereof, That if any perſon ſhall forge any Deed or Conveyance, Teſtament, Bond, Bill, Releaſe, Acquittance, Letter of Attorney, or any Writeing, to pervert Equity and Juſtice; he ſhall ſtand in the Pillory, three ſeveral Lecture dayes, and render double damages to the party wronged, and alſo be diſabled to give any Evidence or Verdict to any Court or Magiſtrate. [*1646.*]

FORNICATION.

IT is Ordered by this Court and the Authority thereof; That if any man Commit Fornication with any ſingle Woman, they ſhall be puniſhed, either by enjoyning Marriage, or Fine, or Corporal puniſhment, or all, or any of theſe, as the Judges of the Court that hath Cognizance of the Cauſe ſhall appoint. [*1642.*]

THere being a ſeeming contradiction between the *Laws* tit. *Fornication, and* tit. *Puniſhment*;

This Court doth Declare, That the former referring to a particular Crime, a ſhameful Sin, much increaſing amongſt us, to the great diſhonour of

of God, and our profeſſion of his Holy Name, the puniſhment of that Sin ſhall be as is preſcribed in the ſaid Law, any thing that may ſeem to reſtrain or limit the ſame, contained in the other Law, *tit.* Puniſhment, notwithſtanding, And in caſe any perſon legally convicted of that or any other ſhameful and vicious Crime, be a Freeman; it ſhall be in the liberty and power of the Court that hath the proper cognizance thereof, beſides any other Penalty or Puniſhment, to adde Disfranchiſement thereto. [*1665.*]

WHereas there is a Law provided by this Court for puniſhing of Fornicators, but nothing as yet for the eaſing of Towns, where Baſtards are born, in regard of the poverty of the Parent or Parents of ſuch Children ſometimes appearing, nor any Rule held forth touching the reputed Father of a Baſtard for legal conviction;

It is therefore Ordered, and by this Court Declared, that where any man is legally convicted to be the Father of a Baſtard childe, he ſhall be at the care and charge to maintain and bring up the ſame, by ſuch Aſſiſtance of the Mother as nature requireth, and as the Court from time to time (according to circumſtances) ſhall ſee meet to Order: and in caſe the Father of a Baſtard, by confeſſion or other manifeſt proof, upon trial of the caſe, do not appear to the Courts ſatisfaction, then the Man charged by the Woman to be the Father, ſhee holding conſtant in it, (eſpecially being put upon the real diſcovery of the truth of it in the time of her Travail) ſhall be the reputed Father, and accordingly be liable to the charge of maintenance as aforeſaid (though not to other puniſhment) notwithſtanding his denial, unleſs the circumſtances of the Caſe and Pleas be ſuch, on the behalf of the Man charged, as that the Court that hath the cognizance thereof ſhall ſee reaſon to acquit him, and otherwiſe diſpoſe of the Childe and Education thereof; Provided alwayes, in caſe there be no perſon accuſed in the time of her Travail, it ſhall not be available to abate the conviction of a reputed Father; any Law, Cuſtome or Uſage to the contrary notwithſtanding.

The reputed Father of a Baſtard to maintain it.

Freemen. Non-Freemen.

TO the end the Body of the Freemen may be preſerved of honeſt and good men; *L. 2. 9. 8.*

It is Ordered, That henceforth no man ſhall be admitted to the Freedome of this Common-wealth, but ſuch as are Members of ſome of the Churches within the limits of this Juriſdiction;

None but Church-members to be Freemen.

And whereas many Members of Churches to exempt themſelves from publick ſervice, will not come in to be made Freemen;

It is Ordered, that no Members of Churches within this Juriſdiction, ſhall be exempt from any publick ſervice they ſhall be choſen to by the Inhabitants of the ſeveral Towns, as Conſtables, Jurors, Select men, Surveighors of the High-wayes; and if any ſuch perſon ſhall refuſe to ſerve in, or take upon him any ſuch Office, being legally choſen thereunto, he

ſhall pay for every ſuch refuſal, ſuch fine as the Town ſhall impoſe, not exceeding *twenty ſhillings* for one offence. [*1647.*]

Repealed.

THis Court having conſidered of the propoſals preſented to this Court by ſeveral of the Inhabitants of the County of Middleſex;

Do Declare and Order, That no Man whoſoever, ſhall be admitted to the Freedome of this Body Politick, but ſuch as are Members of ſome Church of Chriſt and in full Communion, which they declare to be the true intent of the ancient Law, *page the eighth of the ſecond Book*, Anno. *1631.* [*1660.*]

IN Anſwer to that part of his Majeſties Letter of June *28. 1662. concerning admiſſion of Freemen;*

Admiſſion of Freemen.

This Court doth Declare, That the Law prohibiting all perſons, except Members of Churches, and that alſo for allowance of them in any County Court, are hereby Repealed.

And do alſo Order and Enact, That from henceforth all Engliſh men, preſenting a Certificate under the hands of the Miniſters or Miniſter of the place where they dwell, that they are Orthodox in Religion, and not vicious in their lives, and alſo a Certificate under the hands of the Select Men of the place, or of the major part of them, that they are Free holders, and are for their own proper eſtate (without heads of perſons) rateable to the Country in a ſingle Country Rate, after the uſual manner of valuation in the place where they live, to the full value of *ten ſhillings*, or that they are in full Communion with ſome Church among us; It ſhall be in the liberty of all and every ſuch perſon or perſons, being twenty four years of age, Houſe-holders and ſettled Inhabitants in this Juriſdiction, from time to time to preſent themſelves and their deſires to this Court for their admittance to the Freedome of this Common-wealth, and ſhall be allowed the priviledges to have ſuch their deſire propounded, and put to vote in the General Court, for acceptance to the Freedome of the Body politick, by the ſufferage of the major part, according to the Rules of our Patent. [*1664.*]

FOrаſmuch as ſeveral perſons who from time to time are to be made Freemen live remote, and are not able without great Trouble and charge to appear before this Court, to take their reſpective Oathes;

County Court to give the Oath of Freedome

It is therefore Ordered, that henceforth it ſhall be in the power of any County Court to Adminiſter the Oath of Freedome to any perſons approved of by the General Court, who ſhall deſire the ſame, Any Law or Cuſtome to the contrary notwithſtanding. [*1664.*]

Galloping

Galloping in Boſton ſtreets.

WHereas it appears, that notwithſtanding ſuch wholſome Orders as have been hitherunto made by the Select men of Boſton, provided for the reſtraint of all perſons from violent Riding in the ſtreets of the ſaid Town: yet nevertheleſs, many take the liberty and boldneſs to Gallop frequently therein, to the great endangering the Bodies and Limbs of many Perſons eſpecially Children, who are ordinarily abroad in the ſtreets, and not of age or diſcretion ſuddenly to eſcape ſuch danger. This Court having ſeriouſly conſidered the Premiſes, being careful to prevent a practiſe that is like to be of ſuch dangerous conſequence,

Do Order, That no perſon whatſoever, ſhall after the publication hereof, Gallop any Horſe within any the ſtreets of the ſaid Town, upon penalty of forfeiting *three ſhillings and four pence* for every ſuch offence, upon conviction before any one Magiſtrate or Commiſſioner of *Boſton*, to be paid to the Treaſury of the County of *Suffolk*, unleſs it appear on extream neceſſity. Penalty for Galloping in Boſton ſtreets

Gaming and Dancing.

UPon complaint of the diſorders, by the uſe of the Games of Shuffle-board and Bowling, in and about Houſes of Common-entertainment, whereby much precious time is ſpent unprofitably, and much waſte of Wine and Beer occaſioned; *L. 2. p. 8.*

It is Ordered by this Court and the Authority thereof, That no perſon ſhall henceforth uſe the ſaid Games of Shuffle-board, or Bowling, or any other Play or Game, in or about any ſuch Houſe. No Gaming in Ordinaries.

Nor in any other Houſe uſed as common for ſuch purpoſe, upon pain for every keeper of ſuch Houſe to forfeit for every ſuch offence *twenty ſhillings*, and every perſon playing at the ſaid Game, &c. in or about any ſuch Houſe, ſhall forfeit for every ſuch offence *five ſhillings*.

Nor ſhall any perſon at any time Play or Game for any Money or Money worth, upon penalty of forfeiting treble the value thereof, one half to the party informing and the other half to the Treaſury; nor ſhall any perſon be an Abettor to any kinde of Gaming on the like penalty. No Gaming for money.

Nor ſhall there be any Dancing in Ordinaries upon any occaſion, on the penalty of *five ſhillings* for every perſon that ſhall offend; and any Magiſtrate may hear and determine any offence againſt this Law. [*1646, 47, 51.*] No Dancing in Ordinaries.

For preventing diſorders ariſing in ſeveral places within this Juriſdiction, by reaſon of ſome ſtill obſerving ſuch Feſtivals, as were Superſtitiouſly kept in other Countries, to the great diſhonour of God and offence of others; *A. 51. p. 3.*

It is therefore Ordered by this Court and the Authority thereof, that

Penalty for keeping Chriſtmas.

whoſoever ſhall be found obſerving any ſuch day as Chriſtmas or the like, either by forbearing labour, feaſting, or any other way upon any ſuch account as aforeſaid, every ſuch perſon ſo offending, ſhall pay for every ſuch offence *five ſhillings* as a fine to the County.

And whereas not only at ſuch times but ſeveral other times alſo, it is a cuſtome too frequent in many places, to expend time in unlawful Games, as Cards Dice, &c.

penalty for playing at Cards and Dice.

It is therefore further Ordered, and by this Court Declared, That after publication hereof, whoſoever ſhall be found in any place within this Juriſdiction, playing either at Cards or at Dice, contrary to this Order, ſhall pay as a fine to the County the ſum of *five ſhillings* for every ſuch offence.

WHereas the great ſin of Gaming increaſeth within this Juriſdiction, to the great diſhonour of God, corrupting of Youth, and expending much precious time and eſtate: for the preventing of which, and as an addition to the Law, tit. Gaming, &c.

Penalty for Gaming.

This Court doth Declare, and be it Ordered by the Authority thereof, That what perſon or perſons ſoever, ſhall bring into this Juriſdiction any playing Cards or Dice, or with whomſoever ſuch Cards or Dice be found in his or their Cuſtody, he or they ſhall pay as a fine the ſum of *five pounds*, the one half to the Treaſurer, the other half to the Informer: But in caſe any ſuch Cards or Dice ſhall come into the cuſtody of any perſon without his knowledge or conſent, he ſhall carry them to the next Magiſtrate or Commiſſioner within two dayes after his knowledge of them, to diſpoſe of them as the ſaid Magiſtrate or Commiſſioner ſhall ſee cauſe, any ſuch perſon ſhall be free from the penalty.

And if any perſon that hath played or gamed, and ſhall give Information thereof, he ſhall be freed from the penalty of the Law to pay treble damage, but ſhall have no further benifit of the Law by his information.

And alſo any ſuch perſons Teſtimony ſhall be good in Law, for one Teſtimony, againſt any that ſhall break this Law.

And it is alſo Declared, that it is and ſhall be in the liberty of the Court or Judges that ſhall determine any ſuch caſe, to puniſh the tranſgreſſor or tranſgreſſors of the Law, by impoſing the fine, or otherwiſe by corporal puniſhment as they ſhall judge beſt; any Law, Uſage or Cuſtome to the contrary notwithſtanding. [*1670.*]

Hereſie Error.

ALthough no Humane power be Lord over the Faith and Conſciences of men, yet becauſe ſuch as bring in damnable Hereſies, tending to the ſubverſion of the Chriſtian Faith, and deſtruction of the Souls of men, ought duely to be reſtrained from ſuch notorious impieties;

It is therefore Ordered and Declared by the Court; That if any Chriſtian within this Juriſdiction, ſhall go about to ſubvert and deſtroy the Chriſtian Faith and Religion, by broaching and maintaining any damnable Hereſies: As denying the immortality of the Soul, or reſurrection of the Body, or any ſin to be repented of in the regenerate, or any evil done by the outward man to be accounted ſin, or denying that Chriſt gave himſelf a Ranſome for our ſins, or ſhall affirm that we are not juſtified by his death and righteouſneſs, but by the perfections of our own works, or ſhall deny the Morallity of the fourth Commandment, or ſhall openly condemn or oppoſe the Baptizing of Infants, or ſhall purpoſely depart the Congregation at the adminiſtration of that Ordinance, or ſhall deny the Ordinance of Magiſtracy, or their lawful Authority, to make War, or to puniſh the outward breaches of the firſt Table, or ſhall endeavour to ſeduce others to any of the Errors or Hereſies abovementioned; every ſuch perſon continuing obſtinate therein, after due means of conviction, ſhall be ſentenced to Baniſhment. [*1646. 44.*]

Errors.

L. 1. p. 2.

Anabaptiſts.

Obſtinate to be baniſhed.

2. *The Holy Scriptures of the Old and New Teſtament, being written by the Prophets, Apoſtles, and Holy men of God, inſpired by the Holy Ghoſt, containing in them the infallible and whole Will of God, which he purpoſed to make known to Man-kinde, both for his own Worſhip and Service, and alſo for the Inſtruction, Obedience, Faith and Salvation of Man, which yet by Hereticks in former ages, and now of late, have been opugned and denied ſo to be, which tends to the overthrow of all true Religion, and Salvation, for the prevention of ſo hainous a crime;*

A. 57. p. 7. 8.

It is Ordered by this Court and the Authority thereof; That what perſon or perſons ſoever, profeſſing the Chriſtian Religion, above the age of ſixteen years, that ſhall within this Juriſdiction, wittingly and willingly, at any time after the publication of this Order, deny either by Word or Writing, any of the Books of the Old-Teſtament, As *Geneſis, Exodus, Leviticus, Numbers, Deuteronomy, Joſhua, Judges, Ruth, Samuel, Samuel, Kings, Kings, Chronicles, Chronicles, Ezra, Nehemiah, Eſther, Job, Pſalms, Proverbs, Eccleſiaſtes, Canticles, Iſaiah, Jeremiah, Lamentations, Ezekiel, Daniel, Hoſea, Joel, Amos, Obadiah, Jonah, Micah, Nahum, Habbakuk, Zephaniah, Haggai, Zechariah, Malachi.* Or New, as *Matthew, Mark, Luke, John, Acts, Romans, Corrinthians, Corrinthians, Galathians, Epheſians, Philippians, Coloſſians, Theſſalonians, Theſſalonians, Timothy, Timothy, Titus, Philemon, Hebrews, James, Peter, Peter, John, John, John, Jude, and Revelation.* To be the written and infallible Word of God.

Denying the Scriptures to be the word of God

Or if any perſon as aforeſaid, belonging to this Juriſdiction, ſhall commit the ſaid crime upon the Sea, not being or belonging to the Juriſdiction of any other Common-wealth, ſhall be forthwith apprehended by the next Officer or Officers, whether Marſhal or Conſtable or their Deputy, who ſhall have power ſo to do by warrant from any one of the Magiſtrates, and ſhall be committed to the Priſon at Boſton, without Bale or Mainprize, there to be ſafely kept till the next County Court, where upon ſufficient Teſtimony brought againſt the ſaid Delinquent, he ſhall be adjudged for his offence after legal conviction, to pay ſuch a fine as the Court which ſhall have cognizance of the crime ſhall judge meet, not exceeding the ſum of *fifty pounds*, or ſhall be openly and ſeverely whipt by the executioner, whether Conſtable or any other appointed, not exceeding *forty ſtrokes*, unleſs he ſhall publickly recant before his Sentence (which if he do) he ſhall not pay above the fine of *ten pounds* to the Treaſurer for the uſe of the Common-wealth, or be whipt in caſe he pay not the fine.

Penalty.

And it is further Ordered and Enacted, That if the ſaid Offender after his Recantation, Sentence or Execution, ſhall the ſecond time publiſh, and Obſtinately, and Pertinaciouſly maintain the ſaid wicked Opinion, he ſhall be Baniſhed or put to Death as the Court ſhall Judge. [*1651.*]

A. 54. p. 7.

Muggletons books to be delivered in to ſome Magiſtrate

3. It is Ordered, that all and every of the Inhabitants of this Juriſdiction, that have any of the Books in their Cuſtody, that go under the names of *John Reeves*, and *Lodowick Muggleton* (who pretends themſelves to be the two laſt Witneſſes, and Prophets of Jeſus Chriſt) which are full of Blaſphemies, and ſhall not bring or ſend in all ſuch Books in their Cuſtody to the next Magiſtrate, ſhall forfeit the ſum of *ten pounds* for every ſuch Book found in his hand, the one half to the Informer, the other half to the Country.

to be burnt.

And as many of the ſaid Books, as are, or ſhall be in Cuſtody, ſhall be burnt in the Market place at *Boſton*, on the next Lecture day, by the Common Executioner.

A. 56. p. 13.

Quakers

4. *Whereas there is a curſed Sect of Hereticks lately riſen up in the World, which are commonly called Quakers, who take upon them to be immediately ſent of God, and infallibly aſſiſted by the Spirit, to ſpeak and write Blaſphemous Opinions diſpiſing Government, and the Order of God in Church and Common-wealth, ſpeaking evil of Dignities, reproaching and reviling Magiſtrates and Miniſters, ſeeking to turn the People from the Faith, and gain Proſelites to their pernicious wayes. The Court conſidering the premiſes, and to prevent the like miſchief, as by their means is wrought in our Native Land*;

Not to be brought into this Juriſdiction by any Maſter of ſhip on penalty of 100 pounds

Doth hereby Order, and by the Authority of this Court be it Ordered and Enacted; That no Maſter or Commander of any Ship Barque, Pinnace, Ketch, or other Veſſel, ſhall henceforth bring into any Harbour, Creek or Cove within this Juriſdiction, any known Quaker or Quakers, or any other Blaſphemous Hereticks as aforeſaid, upon the penalty of the forfeiture of *one hundred pounds*, to be forthwith paid to the Treaſurer of the Country, except it appeareth that ſuch Maſter wanted true notice or information that they were ſuch, and in that caſe he may clear himſelf by his Oath, when ſufficient proof to the contrary is wanting.

And for default of payment of the ſaid fine of *one hundred pounds*, or good ſecurity for the ſame, ſuch Maſter ſhall be committed to priſon, by warrant from any Magiſtrate, there to continue till the ſaid fine be ſatiſfied to the Treaſurer as aforeſaid.

Maſters that bring in Quakers muſt carry them back.

And the Maſter or Commander of any ſuch Ship or Veſſel that ſhal bring them, being legally convicted, ſhall give in ſufficient ſecurity to the Governour or any one or more of the Magiſtrates, to carry them back to the place whence he brought them, and on his refuſal ſo to do, the Governour or the ſaid Magiſtrate or Magiſtrates ſhall commit ſuch Maſter or Commander to priſon, there to continue till he ſhall give in ſufficient ſecurity to the content of the Governour or ſaid Magiſtrates.

A. 57. p. 26.

And if any perſon or perſons within this Juriſdiction, ſhall henceforth entertain and conceal any ſuch Quaker or Quakers, or other Blaſphemous Hereticks (knowing them to be ſuch) every ſuch perſon ſhall forfeit to the Country *forty ſhillings* for every hours entertainment and concealment of any Quaker or Quakers, &c. as aforeſaid, and ſhall be committed to priſon as aforeſaid, till the fines be fully ſatisfied and paid.

5. And

5. And every perſon or perſons, that ſhall incourage or defend any of their pernicious wayes, by ſpeaking, writeing or meeting on the Lords day, or at any other time, ſhall after due means of conviction incur the penalty inſueing, *viz.* every perſon ſo meeting, ſhall pay to the uſe of the Country, for every time *ten ſhillings*, and every one ſpeaking in ſuch meeting, ſhall forfeit *five pounds*. *A. 58.* Incouragers of Quakers their penalty.

6. If any perſon ſhall knowingly import into any Harbour of this Juriſdiction, any Quakers Books or Writeings, concerning their damnable Opinions, he ſhall forfeit for every ſuch Book or Writeing *five pounds*, and whoſoever ſhall diſperſe or conceal any ſuch Book or Writeing, and it be found with him or her, or in his or her Houſe, and ſhall not immediately deliver the ſame to the next Magiſtrate, ſhall forfeit and pay *five pounds* for diſperſing or concealing every ſuch Book or Writing. Diſperſing Quaker, Books penalty 5 pounds

7. And every perſon or perſons whatſoever, that ſhall revile the Office or perſon of Magiſtrates or Miniſters, as is uſual with the Quakers, ſuch perſon or perſons ſhall be ſeverely whipt, or pay the ſum of *five pounds*. Reviling of Magiſtrates or Miniſters.

8. And every perſon that ſhall publiſh and maintaine any Hetrodox or erronious Doctrine, ſhall be liable to be Queſtioned and Cenſured by the County Court where he liveth, according to the merit of his Offence. *A. 53. p. 19.* Publiſhers of Errors

9. *Whereas there is a pernicious Sect, commonly called Quakers, lately ariſen, who by Word and Writeing, have publiſhed and maintained many dangerous and horrid Tenents, and do take upon them to change and alter the received laudable cuſtomes of our Nation, in giving civil reſpect to equals, or reverence to Superiours, whoſe Actions tend to undermine the Authority of Civil Government as alſo to deſtroy the Order of the Churches, by denying all eſtabliſhed forms of Worſhip, and by withdrawing from the Orderly Church Aſſemblies, allowed and approved by all Ortbodox Profeſſors of the Truth; and inſtead thereof, and oppoſition thereunto, frequenting private meetings of their own, inſinuating themſelves into the minds of the ſimpler, or ſuch as are leſs affected to the Order and Government of the Church and Common-wealth, whereby divers of our Inhabitants have been infected and ſeduced, notwithſtanding all former Laws made, (upon experience of their arrogant bold obtruſions, to diſſeminate their Principles amongſt us) probibiting their comeing into this Juriſdiction, they have not been deterred from their impetuous Attempts to undermine our peace and haſten our ruine;* *A. 58.*

For prevention thereof, This Court doth Order and Enact, that every perſon or perſons of the curſed Sect of the Quakers, who is not an Inhabitant of, but found within this Juriſdiction, ſhall be Apprehended (without Warrant, where no Magiſtrate is at hand) by any Conſtable Commiſſioner or Select Man, and conveyed from Conſtable to Conſtable until they come before the next Magiſtrate, who ſhall commit the ſaid perſon or perſons to cloſe Priſon, there to remain without Baile until the next Court of Aſſiſtants where they ſhall have a legal trial by a ſpecial Jury, and being convicted to be of the Sect of the Quakers, ſhall be ſentenced to Baniſhment upon pain of Death. Quakers to be Apprehended Impriſoned

And that every Inhabitant of this Juriſdiction, being convicted to be of the aforeſaid Sect, either by taking up, publiſhing and defending the horrid Opinions of the *Quakers*, or by ſtirring up Mutiny, Sedition or Rebellion Baniſhed on pain of death. Qualification of Quakers

againſt the Government, or by taking up their abſurd and deſtructive practiſes, *viz.* denying civil reſpect and reverence to Equals and Superiours, withdrawing from our Church Aſſemblies, and inſtead thereof frequenting private meetings of their own, in oppoſition to Church Order, or by adhering to, or approving of any known Quakers that are oppoſite to the Orthodox received Opinions and Practiſes of the Godly, and endeavouring to diſaffect others to Civil Government and Church Order; and condemning the practiſe and proceedings of this Court againſt the Quakers, manifeſting thereby compliance with thoſe, whoſe deſign is to ouerthrow the Order eſtabliſhed in Church and Common-wealth: Every ſuch perſon upon examination, and legal conviction before the Court of Aſſiſtants in manner as aforeſaid, ſhall be committed to cloſe priſon for one Month, and then unleſs they chuſe voluntarily to depart the Juriſdiction, ſhall give Bond for their good Abbearance and appearance at the next Court of Aſſiſtants, where continuing obſtinate, and refuſing to retract and reform the aforeſaid Opinions and Practiſes, ſhall be ſentenced to Baniſhment upon pain of Death: And in caſe of the aforeſaid voluntary departure, not to remain, or again to return into this Juriſdiction, without the allowance of the major part of the Council firſt had and publiſhed, on penalty of being Baniſhed upon pain of Death, and any one Magiſtrate, upon information given him of any ſuch perſon, ſhall cauſe them to be apprehended, and if upon examination of the caſe, he ſhall according to his beſt diſcretion finde juſt ground for ſuch complaint, he ſhall commit ſuch perſon to priſon, until he comes to his tryal as is above expreſſed. [*1646.*]

Quakers voluntarily depart, may not return without licenſe

One Magiſtrate may commit to priſon.

THis Court being deſirous to try all means, with as much Lenity as may conſiſt with our ſafety, to prevent the Intruſions of the Quakers, who beſides their Abſurd and Blaſphemous Doctrines, do like Rogues and Vagabonds come in upon us, and have not been reſtrained by the Laws already provided;

Have Ordered, that every ſuch Vagabond Quaker, found within any part of this Juriſdiction, ſhall be Apprehended by any perſon or perſons, or by the Conſtable of the Town wherein he or ſhee is taken, and by the Conſtable or in his abſence, by any other perſon or perſons conveyed before the next Magiſtrate of that Shire wherein they are taken, or Commiſſioner inveſted with Magiſtratical power: And being by the ſaid Magiſtrate or Magiſtrates, Commiſſioner or Commiſſioners adjudged to be a wandring Quaker, *viz.* one that hath not any dwelling, or orderly allowance as an Inhabitant of this Juriſdiction, and not giving civil reſpect by the uſual geſtures thereof, or by any other way or means manifeſting himſelf to be a Quaker, ſhall by Warrant under the hand of the ſaid Magiſtrate or Magiſtrates, Commiſſioner or Commiſſioners, directed to the Conſtable of the Town wherein he or ſhee is taken, or in abſence of the Conſtable, to any other meet perſon, be ſtripped naked from the middle upwards, and tyed to a Carts tail, and whipped through the Town, and from thence immediately conveyed to the Conſtable of the next Town towards the borders of our Juriſdiction, as their Warrant ſhall direct; and ſo from Conſtable to Conſtable till they be conveyed through any the outwardmoſt Towns of our Juriſdiction.

Order againſt Quakers and Vagabond Rogues.

And if ſuch Vagabond Quaker ſhall return again, then to be in like manner Apprehended, and conveyed as often as they ſhall be found within the Limits of our Juriſdiction; Provided every ſuch wandring Quaker, having

having been thrice convicted and ſent away as aboveſaid, and returning again into this Juriſdiction, ſhall be Apprehended, and Committed by any Magiſtrate or Commiſſioner as aboveſaid unto the Houſe of Correction within that County wherein he or ſhee is found, until the next Court of that County; where if the Court judge not meet to releaſe them, they ſhall be Branded with the Letter *R.* on their left ſhoulder, and be ſeverely Whipt, and ſent away in manner as before.

And if after this, he or ſhee ſhall return again; then to be proceeded againſt as Incorrigible Rogues and Enemies to the Common Peace, and ſhall immediately be apprehended, and Committed to the Common Goal of the Country, and at the next Court of Aſſiſtants ſhall be brought to their tryal, and proceeded againſt according to the Law made *Anno 1658. pag. 56.* for their puniſhment on pain of death.

And for ſuch Quakers as ſhall ariſe from amongſt our ſelves, they ſhall be proceeded againſt as the former Law of *Anno, 1658.* pag. *56.* doth provide, until they have been convicted by a Court of Aſſiſtants; and being ſo convicted, he or ſhee ſhall then be Baniſhed this Juriſdiction; and if after that they ſhall be found in any part of this Juriſdiction, then he or ſhee ſo Sentenced to Baniſhment, ſhall be proceeded againſt as thoſe that are Strangers and Vagabond Quakers, in manner as is above expreſſed.

And it is further Ordered, That whatſoever charge ſhall ariſe about Apprehending, Whipping, Conveying, or otherwiſe about the Quakers, to be laid out by the Conſtables of ſuch Towns where it is expended, and to be repaid by the Treaſurer out of the next Country Levy.

And further, that the Conſtables of the ſeveral Towns are hereby impowred from time to time, as neceſſity ſhall require, to Impreſs Cart, Oxen, and other Aſſiſtants for the Execution of this Order. [*1661.*]

THis Court heretofore, for ſome Reaſons inducing, did judge meet to ſuſpend the execution of the Laws againſt Quakers, as ſuch, ſo far as they reſpect Corporal puniſhment or Death, during the Courts pleaſure. Now foraſmuch as new complaints are made to this Court of ſuch perſons abounding, eſpecially in the Eaſtern parts, endeavouring to draw away others to that wicked Opinion;

It is therefore Ordered, that the laſt Law *tit.* Vagabond Quakers, *May 1661.* be henceforth in force in all reſpects; Provided that their Whipping be but through three Towns: and the Magiſtrate or Commiſſioners ſigning ſuch Warrant, ſhall appoint both the Towns, and number of Stripes in each Town to be given. [*1662.*]

Order againſt Vagabond Quakers *May* 1661. in force.

HIDES and SKINS.

WHereas ſome perſons more ſeeking their own private advantage then the good of the Publick, do Tranſport Raw Hides and Pelts;

Raw Hides not to be tranſported.

It is Ordered that henceforth no perſon ſhall deliver aboard any Ship or other Veſſel, directly or indirectly, any Raw Hide, Skin, Pelt or Leather unwrought, with intent to have the ſame tranſported out of this Juriſdiction, upon pain to forfeit the ſame or the value thereof

And that no Maſter of any Ship or Veſſel ſhall receive any Raw Hides, Skins, Pelts or Leather unwrought, directly or indirectly aboard his Ship or Veſſel to be ſo tranſported upon the like penalty.

Provided that any Perſon, Stranger or other, may tranſport any Hides or Skins brought hither from beyond the Seas by way of Merchandize, or the Skins of Bever, Moos, Bear and Otter. [*1646.*]

L. 2. p. 8.

2. *Upon Information of the neglect of many perſons, in not ſaving ſuch Hides or Skins, as either by caſualty or Slaughter come to hand, whereby damage redounds to the Country*;

Hides and skins to be preſerved.

It is Ordered, that every Hide or Skin ſhall carefully be dryed, before it corrupt, and that ſuch Hides or Skins ſhall be ſent where they may be Tanned or Dreſſed, and whoſoever ſhall neglect to do as aforeſaid, ſhall forfeit for every ſuch Hide *five ſhillings*, and for ever Skin of Calves or ſmall Cattle *twelve pence*. [*1640, 46.*]

HIGH-WAYES.

TO the end there may be convenient High-wayes for Travellers.

It is Ordered by the Authority of this Court, That all Country Highwayes ſhall be ſuch as may be moſt eaſie and ſafe for Travellers, to which purpoſe the Court of that County where ſuch High-wayes is to be made and laid out, ſhall upon complaint appoint two or three men of each next Town, whoſe Inhabitants have moſt occaſion thereof, upon view to lay out ſuch High-wayes according to Order, given them by that Court, and make return of what they do therein to the next Court, Provided alwayes it occaſion not the pulling down of any Mans Houſe, or laying open any Garden or Orchard, and in Common Grounds, or where the Soyle is wet, myrie or very rocky, ſhall lay out ſuch High-wayes the wider, *viz. ſix, eight, ten* or more Rods.

Satisfaction to be given proprietor.

Provided, that if any Man be thereby damaged in his improved Ground, the Town ſhall make him reaſonable ſatisfaction, by eſtimation of thoſe that laid out the ſame: and if ſuch perſons deputed cannot agree, it ſhall be referred unto the County Court of the Shire, who ſhall have power to hear and determine the Caſe; And if any perſon finde himſelf juſtly grieved with any act or thing, done by the perſons deputed aforeſaid, he may Appeal to the County Court aforeſaid, but if he be found to complain without cauſe, he ſhall ſurely pay all charges of the parties, and Court, during that Action, and alſo be fined to the Country as the Court ſhall adjudge. [*1639.*]

Private wayes in Towns.

2. It is Ordered and Declared by this Court, That the Select Townsmen of every Town, have power to lay out (by themſelves or others) particular

particular and private wayes concerning their own Town, only ſo as no damage be done to any man without due recompence to be given by the judgement of the ſaid Select men, and one or two choſen by the ſaid Select men, and one or two choſen by the party, and if any perſon ſhall finde himſelf juſtly grieved, he may Appeal to the next County Court of that Shire, who ſhall do juſtice therein as in other Caſes. [*1642.*]

Private wayes in Towns

3. *Upon information that divers High-wayes are much annoyed and incumbred by Gates and Rails erected upon them*;

Incumbrance in High-wayes to be removed.

It is Ordered by the Authority of this Court; That upon any information or complaint made to any County Court, or to any Magiſtrate of any ſuch Gates or Rails erected, or to be erected upon any Common High-way, the ſaid Court or Magiſtrate ſhall appoint a Committee of diſcreet and indifferent men to view ſuch incumbrance, and to Order the reformation thereof.

And if the parties whom it ſhall concern, ſhall not ſubmit to ſuch Orders, they ſhall require them to appear at the next Court of that Shire, and alſo ſhall certifie the incumbrance found, and Order by them made under their hands unto the ſaid Court, or appear in perſon to proſecute the cauſe, where it ſhall be heard and determined for eaſe and convenience of Travellers, with due reſpect to the Proprietors coſt and damage; but no perſon ſhall ſtand charged with the repair of common High wayes through his own Ground. [*1647.*]

HORSES, MARES.

IT is Ordered by this Court and Authority thereof; That no Maſter or Commander of any Ship or Barque, ſhall receive on board his Ship or Veſſel, any Horſe, Gelding or Mare, but ſuch as ſhall be entred into a Book, with the colour, particular marks and age, (as near as may be known) and perſon of whom ſuch Horſe was laſt bought, and proof by Witneſs or Oath that he was the true owner thereof, to be kept by the Clerks of the Writs in all their Towns, who are hereby Authorized to view all ſuch as ſhall be ſhipped; and for every Horſe ſo entred, there ſhall be paid to the ſaid Officers, by the Owner or Merchant of ſuch Horſe, *ſix pence* a piece. *L. 2. p. 11.*

Horſes to be tranſported, to be entred in a Book.

And every Commander or Maſter of any Veſſel, who ſhall take on board any other Horſe or Mare, except ſuch as he ſhall receive a Note under the hand of the ſaid Clerk, and be entred as aforeſaid, ſhall for every ſuch offence forfeit the Sum of *forty ſhillings* to the Informer and *forty ſhillings* to the Treaſury. [*1649.*]

Penalty

It is Ordered, that no perſon ſhall under any pretence ſell or any way diſpoſe any Horſe, Mare or Colt, to any Indian, upon the penalty of *one hundred pounds*. [*1655.*]

No Horſes to be ſold to Indians.

WHereas the Breed of Horſes in the Country is utterly ſpoiled, whereby that uſeful Creature will become a burthen, which otherwiſe might be benificial, and the occaſion thereof is conceived to be through the ſmalneſs and badneſs of Stone Horſes and Colts that run in Commons and Woods;

Order for the beſt improvment of ſtone Horſes

For prevention whereof, This Court doth Order and Enact, and be it Ordered and Enacted by the Authority hereof, That no Stone Horſe above two years old ſhall be ſuffered to go in Commons and Woods at liberty, unleſs he be of comely proportion and ſufficient ſtature, not leſs then *fourteen Hands high*, reckoning *four Inches to a Handful*, and ſuch a Horſe to be viewed and allowed by the major part of the Select men of the Town where the owner lives.

And if any perſon or perſons turn any Stone Horſe upon the Commons, or at liberty, or in the Woods, being not viewed and allowed as before, he or they ſhall forfeit *twenty ſhillings* a Month for every Stone Horſe running at liberty, after he is a *two years old*; which penalty is to be taken by Warrant of the Select Men, and imployed to the Towns uſe, and if the Select Men of any Town do neglect their duty in taking their fines, and viewing ſuch as are brought in, according to this Law, they ſhall forfeit *twenty ſhillings* to the County Treaſury; and this Law to be in force the firſt of *October* next. [*1668.*]

Idle Perſons.

WHereas *in the Law* tit. *Houſe of Correction, Idle perſons are particularly named as ſuch, as the Law intendeth ſhould be committed to that Houſe for Correction and Reformation: This Court taking notice, upon good information and ſad complaints, that there are ſome perſons in this juriſdiction, that have Families to provide for, who greatly neglect their Callings, or miſpend what they earn, whereby their Families are in much want, and are thereby expoſed to ſuffer, and to need relief from others;*

This Court for remedy of theſe great and unſufferable evils; do Declare, that by Idle perſons (mentioned in the recited Law) ſuch neglectors of their Families, are comprehended amonſt the reſt, and that in a ſpecial manner. [*1668.*]

Conſtable to take notice of Idle perſons.

IT is Ordered, that no perſon, Houſe-holder or other, ſhall ſpend his time Idely or unprofitably, under pain of ſuch puniſhment, as the County Court ſhall think meet to inflict.

And the Conſtables of every Town are required to uſe ſpecial care to take notice of Offenders in this kinde, eſpecially of common Coaſters, unprofitable Fowlers, and Tobacco takers, and preſent the ſame to the next Magiſtrate, who is hereby impowred to hear and determine the cauſe, or transfer it to the next Court. [*1633.*]

JESUITES.

THis Court taking into conſideration the great Wars, Combuſtions and Diviſions which are this day in Europe *and that the ſame are obſerved to be raiſed and fomented, chiefly by the ſecret underminings, and ſolicitations of thoſe of the Jeſuitical Order, Men brought up and Devoted to the Religion and Court of Room, which hath occaſioned divers States to expel them their Territories, for prevention whereof among our ſelves;*

It is Ordered and Enacted by Authority of this Court, That no *Jeſuite* or *Spiritual* or *Eccleſiaſtical* perſon (as they are termed) Ordained by the Authority of the *Pope* or *See of Room*, ſhall henceforth at any time repair to, or come within this Juriſdiction: And if any perſon ſhall give juſt cauſe of ſuſpition, that he is one of ſuch Society or Order, he ſhall be brought before ſome of the Magiſtrates, and if he cannot free himſelf of ſuch ſuſpition, he ſhall be committed to Priſon, or bound over to the next Court of Aſſiſtants, to be tryed and proceeded with, by Baniſhment or otherwiſe as the Court ſhall ſee cauſe. Forbidden to enter our Juriſdiction. To be Baniſhed.

And if any perſon ſo Baniſhed, be taken the ſecond time within this Juriſdiction, upon lawful tryal and conviction, he ſhall be put to Death. Provided this Law ſhall not extend to any ſuch *Jeſuite, Spiritual* or *Eccleſiaſtical* perſon, as ſhall be caſt upon our Shores by Ship-wrack or other Accident, ſo as he continue no longer then till he may have opportunity of Paſſage for his departure; nor to any ſuch as ſhall come in company with any Meſſenger hither upon publick occaſions, or Merchant, or Maſter of any Ship belonging to any place, not in enmity with the State of *England*, or our ſelves, ſo as they depart again with the ſame Meſſenger, Maſter or Merchant, and behave themſelves inoffenſively during their abode here. [*1647.*]

IMPOSTS.

FOR the ſupport of the Government and Maintenance of Fortification, for the protecting and ſafe guarding our Harbours for our ſelves and others that come to Trade with us;

It is Ordered by this Court and the Authority thereof, That every Perſon, Merchant, Seaman or other, that bring Wines, or Strong-waters into any of our Harbours, in any Ships or Veſſels whatſoever (except they come directly from *England* as their firſt Port) before they Land any of the ſaid Wines or Strong-waters, more or leſs, ſhall firſt make entry of as many Butts, Pipes or other Veſſels, as they or any of them ſhall put on ſhore, by a Note under their Hands delivered to the Officer that is to receive the Cuſtomes at his Houſe, upon pain of forfeiture and confiſcation of all ſuch Wines and Strong-waters as are Landed, before ſuch entry made *A. 53. p. 19.* Wines to be entred before Landed.

made, whereſoever found, the one half to the Country, the other half to the Officer, and the Merchant or owner of ſuch Wines of any kinde, or Strong waters, as ſoon as he Lands them, ſhall deliver and pay unto the ſaid Officer what is due for Cuſtome of them according to this Order, in Wine or Strong-water, according to the proportion of the goodneſs of the parcel that is brought in, as the Officer and Owner can agree, to the contentment and ſatisfaction of the ſaid Officer, but if they cannot agree, the Treaſurer for the time being ſhall Determine the price thereof.

Cuſtome to be paid upon the Landing.

Cuſtomers Deputy.

And it is further Ordered, that the chief Officer or Cuſtomer ſhall have under him a Deputy or Deputies, who ſhall be as ſearchers or waiters in ſeveral places, to take up ſuch Wines or Strong-waters by order of the ſaid chief Officer, and to take notice of what is Landed in any place of this Juriſdiction, that the Country be not defrauded, who ſhall have due recompence, as the chief Officer ſhall agree with them, and all Wines ſhall pay Cuſtome according to the Rates following:

Rates of the Cuſtom of wine.

Every Butte or Pipe of Fyall Wines, or any other Wines of the Weſtern Iſlands, *five ſhillings.*

Every Pipe of Madera wine *ſix ſhillings eight pence.*

Every Butte or Pipe of Sherry, Sack, Malaga, or Canary Wines, *ten ſhillings.*

Muſcadels, Malmſies and other Wines from the Straits, *ten ſhillings.*

Baſtards, Tents and Alligants, *ten ſhillings.*

And proportionable for greater or leſſer Veſſels of each kinde.

Every Hogſhead of French Wines *two ſhillings ſix pence.*

And every Hogſhead of Strong-waters, *ten ſhilings*, and proportionably for greater or leſſer quantities.

Cuſtomers power and duty.

2. *And for the better recovering any ſuch Cuſtomes of Wines and Strong waters, or Forfeitures, for not entring according to this Order*;

It is Ordered, that the ſaid Officer or his Deputy, hath hereby power, and is required to go into all Houſes or Cellars, where he knoweth or ſuſpecteth any Wine or Strong-waters to be, and ſhall ſeize all ſuch Wines and Strong-waters as are not entred according to this order; and alſo ſeize and take poſſeſſion of ſo much Wines and Strong-waters as ſhall make payment for what Cuſtome is due, according to entries made, and is refuſed or neglected to be paid in due manner according to this Order.

Conſtables to aſſiſt the Officer

And all Conſtables and other Officers are hereby required to aſſiſt and aid the Officer in the diſcharge of his duty, and helping to break open ſuch Houſes or Cellars of the Owners of ſuch Wines or Strong-waters, as ſhall refuſe to open their doors or deliver their Keys in a peaceable manner.

Conſtables and others to aſſiſt the Cuſtomer

And any Smith, Carter, Owner of Boat, Porter or other, that ſhall be required by the Officer to help and aſſiſt in taking, loading and tranſporting ſuch Wines for the uſe of the Country, and ſhall refuſe or neglect ſuch ſervice for due hire, ſhall forfeit to the Common Treaſury, *ten ſhillings* for ſuch default, to be levyed by the Conſtable, by Warrant from any one Magiſtrate.

Or penalty of ten ſhillings

And all Debts due unto the Country for Cuſtome of Wines or Strong-waters, where Wines or Strong-waters are not to be found, they ſhall be recoverable in a way of Action, according to the courſe of Law in other Caſes.

3. And it is further Orderd, That beſides the Cuſtomes of Wines or Strong-waters aforeſaid, all Merchants or Maſters of Strangers Ships, which ſhall arive with Merchandize, in any of our Harbours of *Boſton* or *Charlſtown*, and ſhall make ſale thereof, or of the greater part of the ſame, ſhall pay by way of Cuſtome or Impoſition, after the Rate of *ſix pence per Tun* for every Ship, to be paid out of the ſaid Merchandize; And the Maſter of every ſuch Ship, ſhall alſo pay *ten ſhillings* towards the maintenance of our Fortifications, for the defence of our ſaid Harbours; Provided no *Engliſh-ſhip*, or other Ship or Veſſel, Fraught in *England*, by any *Engliſh man* arriving in our ſaid Harbours, nor any Veſſel of our Confederates, or any other parts where our Sips are free of Cuſtomes, Impoſts and Taxes, ſhall pay the ſaid Cuſtome of *ſix pence per Tun* to the Officer appointed, but only towards the maintenance of the ſaid Fortifications *ten ſhillings* for every Ship above the burden of *two Hundred Tuns*, and *ſix ſhillings eight pence* for all other Veſſels and Ships under that burden. [*1645.*] *L. 2. p. 9.*

Sixpence per Tun to be paid by every ſhip.

For a ſhip of 200 Tun 10. s. For leſſer ſhips, 6. 8. pence.

Impoſt on Wine and Strong Liquors.

WHereas *the General Court hath formerly for good and weighty Reaſons, laid an Impoſt upon Wines and Strong-waters Imported*;

It is thought expedient by this Court, for good cauſes and conſiderations, to ſet a Rate upon all Cyder, Mum, Ale and Beer, ſold in publick Houſes licenſed to ſell ſuch things, that is to ſay, *two ſhillings ſix pence per* Hogſhead upon all Cyder, Ale and Beer, and *five ſhillings per* Hogſhead upon all Mum, and ſo in proportion thereto, to each of them in greater or leſſer quantities.

Impoſt on Wine ſtrong Liquors

Impoſt on Ale and Beer 2. s. 6. d per Hogſhead

And this Court doth further Order that theſe Rates or Sums aboveſaid, be paid to the Treaſurer of the Country or to his Aſſignes in Money, by every perſon Licenſed to keep an Inne, Ordinary, or Houſe of publick entertainment, within this Juriſdiction whatſoever.

Mum 5. s. per Hogſhead

And to that end, every perſon ſo Licenſed, and ſelling, are Ordered and Required to keep a true and juſt account of what he or they ſhall ſell from time to time; and that at the end of every Month or Week, being thereto required, after the publication hereof, they ſhall preſent the ſaid account to the Treaſurer aboveſaid, upon Oath if required, or to his Aſſigne, and pay all the Money due hereby; and in caſe any of the perſons Licenſed as aboveſaid, ſhall refuſe or neglect to do what is above Ordered, upon conviction before any two Magiſtrates or Court of that County where the offence is committed, ſhall pay treble damage to the Country or forfeit his or their Licenſe, at the diſcretion of that Authority that ſhall take Cognizance thereof. [*1668.*]

FOr the better *Explanation and effectual Execution of the Law*, tit. *Impoſt*;

Wines & Strong Liquors imported to be entred with the Officer,

It is Ordered and Enacted by this Court and the Authority thereof, That all Wines and Strong-waters Imported into this Juriſdiction, according to that Law, be entred with the Officer in particulars, both for quantity and quality, before any of it be Landed, upon the penalty of the forfeiture of all that is Landed before it be entred.

It is Ordered that the Impoſt required by Law be paid to the Officer in Money, or the beſt of the ſpecie at Money price.

Impoſt upon all Goods and Proviſions.

THis Court taking notice of ſundry Complaints of much Inequality in the preſent way of raiſing Moneys to defray Publick Charges;

Do therefore Order, and by the Authority of this Court, be it Ordered and Enacted:

I. That all Goods, Wares, Merchandizes and Proviſions of all ſorts (excepting Fiſh, Sheeps-Wool, Cotton-wool, Salt, and ſuch other things as by former Laws are exempted, or otherwiſe provided for) which from any foreign part, or other Juriſdiction, ſhall be imported into any of our Harbours, Ports, Shores or elſewhere within this Juriſdiction, ſhall be Rated in a juſt proportion with Eſtates Rateable in the Country, *viz.* for every *twenty ſhillings* value, ſhall be paid *one penny* in Money.

II. All Goods, Wares and Merchandizes as aforeſaid, ſhall be here valued as followeth; that is, Every *Hundred pounds* at the Port or Place from whence it came, to be accounted here at *one Hundred and twenty* pounds, which *penny* per *twenty Shillings*, ſhall be paid by the Agent, Factor, Owner or other perſon by whom they are brought, or to whom they are ſent or Conſigned; and ſo according to the ſame proportion for all greater or leſſer quantities whatſoever.

III. To which end, all Goods and Proviſions as aforeſaid Imported, ſhall by the Maſter, Purſer, Boatſwain, or Skipper of each Ship or other Veſſel in which they are brought, before breaking Bulk, or Landing any of the ſaid Goods, be certified unto the Country Treaſurer or Collector by him impowred in the ſeveral Port Towns, or other places where they are brought, on penalty of forfeiture of *twenty ſhillings per* Tun, according to the burthen of the Ship or Veſſel wherein they are brought from time to time.

IV. And all and every ſuch Collector, ſhall carefully and truely enter all ſuch Goods, with their ſeveral Marks, Casks, Packs, Fardels, Truſſes, Cheſts, Truncks, Caſes, and all other things however called or diſtinguiſhed, with the Names of the perſons to whom ſuch Goods or other Things are ſent and Conſigned, or are Owners thereof, ſo far as may by any lawful means be diſcovered.

V. And

V. And all perſons to whom ſuch Goods or other things aforeſaid, are Conſigned or ſent, or are the Owners thereof, ſhall from time to time, before ſuch Goods are Landed, ſignifie the true and juſt value thereof, by ſhewing the true and perfect Invoyce thereof, unto the aforeſaid Collectors for each Port; who are hereby required to Enter the groſs Sum thereof in a Book for that purpoſe, what the ſaid Goods or other things amount unto, and ſhall forthwith demand and receive the ſeveral Rates of Aſſeſsments aforementioned, or certifie the Treaſurer, or ſuch other Collector or Receiver as is concerned therein.

VI. And in caſe of denial or delay of payment, the Collector Authorized as aforeſaid, ſhall levy the ſame by diſtreſs upon the ſaid Goods, at the Rate or price ſet in the Invoyce, out of which he ſhall have *two ſhillings per* pound for his time and labour therein: And for the more full effecting hereof, the ſaid Collector is impowred to require aid (if need be) as any Conſtable may in the like ſervice, and no man may refuſe to aſſiſt, upon the ſame penalty the Law in that caſe expreſs.

VII. If any Invoyce or Bill of Parcels ſhall be falſified, concealed, or not produced, of any Goods or other things imported as aforeſaid, it ſhall be lawful for the Treaſurer or Collector, with the Select Men of each Town therein concerned, to Rate all ſuch Goods, or the Owner, or other Agent for the ſame, by Will and Doom, according to their beſt diſcretion; Provided it be not leſs then *four pounds per Tun*, as the ſame ſtands Entred in the Bill of Lading, in the Boatſwain or other Officers Book.

VIII. It is further Ordered, in reference to all ſorts of Cattle that are brought into this Juriſdiction, to be ſold, killed or tranſported, that the Venders ſhall give a juſt and true account of all ſuch Cattle ſo brought to ſome one of the aforeſaid Officers impowred to act herein, both in reſpect of number and kinde, and the ſame ſhall be entred in a Book; and the Owners of all ſuch Cattle, or the perſon with whom they are truſted, before they are ſet to ſale, killed or put on Board any Veſſel for tranſport, ſhall pay for every Head as is expreſſed in the Law *tit. Charges Publick*, upon penalty of forfeiture of any ſuch Beaſt, or the true value thereof, in whoſe hand ſoever found; the one half to the publick Treaſury, the other half to the Informer.

IX. For all other ſorts of Goods, Hides, Skins, Beaver, Peltry, Butter, Cheeſe, or other Merchandize or Proviſions brought into this Juriſdiction by Land, the Owner, Factor, Agent, or other perſon intruſted, ſhall before any ſale made, or before any putting on Board any Veſſel for tranſport, or other diſpoſal of the ſaid goods, make a juſt and true Entry thereof, as is before provided concerning Goods imported by Sea, and to be Rated *one penny* in every *twenty ſhillings*, the ſame to be paid in Money to the ſaid Officer, under the penalty of forfeiture as aforeſaid; the one third part to the Country Treaſurer, one third part to the Informer, and one third part to the Collector.

X. The Country Treaſurer for the time being, is hereby impowered and required duly to execute, or cauſe to be duely and fully executed this preſent Order in each particular part thereof; who is alſo impowered

and Authorized to depute and impower all ſuch Officers under him, as he ſhall judge neceſſary for the accompliſhment thereof, who upon Warrant to them directed under his Hand and Seal, ſhall attend the ſame: And the ſaid Officer or Officers ſhall be accountable to the ſaid Treaſurer, when he ſhall call them thereunto.

XI. It is alſo Ordered, That ſuch Goods or other things as upon importation ſhall by this Order be paid for, ſhall not again for that year be Rated, whilſt they remain in the hands of them that ſo paid for them.

XII. In caſe the Treaſurer or any Officer under him, ſhall finde any great difficult or doubtful caſe in the execution of this Order, they ſhall repair to the Governour and Council, or ſo many of them as can conveniently aſſemble, provided the number be not leſs then five, who are hereby impowred to give ſuch Order and Directions for removing Obſtructions, as the major part of them ſhall judge expedient, for the effectual proſecution of this Order.

And the Order Reſpecting Cuſtomes, made *October 1668.* is hereby Repealed.

And it is Ordered further, That this preſent Law be in force forthwith, upon the ending of this preſent Seſſions, and forthwith publiſh in *Boſton* and *Charlstown*.

It is Ordered by this Court, that this ſhall be the Seal of the Treaſurers Office.

ALthough there are ſeveral Orders made by this Court, concerning the receiving of the Rates of Goods Imported, yet it is found by experience, that it falls ſhort of attaining the full end intended: For prevention of the defrauding of the Officer who is appointed to Collect the ſame;

Law to prevent the defrauding of the Officer for Cuſtomes

It is hereby Ordered, as an Addition to what the Law hath provided in this caſe, that all Maſters of Ships or other Veſſels, comeing into our Ports with any Goods Rateable according to Law, ſhall keep in their Cuſtody all ſuch Goods, till they receive an Order from the Collector to deliver the ſame, or in defect thereof to pay unto the ſaid Officer the full value of the Rate appointed by Law. [*1670.*]

Three Queſtions reſolved.

Whether the revenue ariſing by Rate or Cuſtome of Goods Imported, as alſo Powder paid by Shipping belonging to Strangers and brought into the River of *Paſcataqua*, is to be returned to the Publick Treaſury of this Country? This Queſtion is Reſolved by the whole Court on the Affirmative.

Whether the Money already Collected in *Paſcataqua* River, *viz.* by Cuſtomes

Customes or Rate on Goods Imported, &c. and for Powder paid by shipping, that is, what hath been received from Strangers, and such as are not Inhabitants of the said River, is to be returned to the publick Treasury of this Country; this Question also was resolved on the Affirmative by the Court.

Whether the Revenue arising by the Rate or Custome layd on Goods Imported, belonging to the Inhabitants of *Pascataqua River*, which is brought into the said River, is to be paid into the Country Treasurer; This Question is Resolved in the Negative by the whole Court. [*1671.*]

IMPRESSES.

IT is Ordered by this Court and the Authority thereof; That in all publick works of this Common-wealth, one Magistrate and the overseer of the work, shall have power to send their Warrants to the Constables of the next Towns, to send so many Labourers and Artificers as the warrant shall direct, which the Constable and two other or more of the Freemen, which he shall chuse, shall forthwith execute for which service, such Magistrate and Overseer aforesaid, shall have power to give such Wages as they shall judge the Work to deserve, Provided that for any ordinary work, no man shall be compelled to work from home above one week together. *L. 1. p. 9.* Labourers arrested for any publick work

2. It is also Ordered, That no man shall be compelled, to any Publick work or service, unless the press be grounded upon some act of the General Court, and have reasonable allowance for the same, nor shall any man be compelled in Person to any Office, Work, Warrs, or other publick service, that is necessarily aud sufficiently exempted, by any natural or personal impediment, as by want of years, greatness of years, defect of minde, failing of sences, or impotency of Limbs: Persons free for defect

Nor shall any man be compelled to go out of this Jurisdiction upon any offensive Wars, which this Common wealth, or any of our Friends or Confederates, as shall voluntarily undertake, but only upon such vindictive and defensive Wars in our own behalf or the behalf of our Friends and Confederates as shall be enterprized by the Council and consent of a General Court, or by Authority derived from the same. Cattle and other goods [illegible] in the Country service to be made good

Nor shall any mans Cattle or Goods of what kinde soever, be Pressed, or taken for any Publick use or service, unless it be by Warrant, grounded upon some Act of the General Court; Nor without such reasonable Prizes and Hire, as the ordinary Rates of the Country do afford, and if his Cattle or Goods shall perish or suffer damage in such service, the Owner shall be sufficiently recompenced. [*1641.*]

Imprisonment,

IMPRISONMENT.

Who Baylable.

IT is Ordered and by this Court Declared, That no Mans Perſon ſhall be Reſtrained or Impriſoned by any Authority whatſoever, before the Law hath Sentenced him thereto, if he can put in ſufficient Security, Baile or Mainprize, for his appearance and good Behaviour in the mean time, unleſs it be in Crimes Capital, and Contempt in open Court, and in ſuch Caſes where ſuch expreſs Act of Court doth allow it. [*1641.*]

INDIANS.

A. 52. p. 16.

FOR *ſetling the Indians Title to Lands in this Juriſdiction*;

It is Declared and Ordered by this Court and Authority thereof, That what Lands any of the Indians in this Juriſdiction have poſſeſſed and improved, by ſubduing the ſame, they have juſt right unto, according to that in *Gen. 1. 28. & chap. 9. 1. & Pſal. 115. 16.*

Indians Title to Land.

And for the further incouragement of the hopeful work amongſt them, for the Civilizing, and helping them forward to Chriſtianity; If any of the Indians ſhall be brought to Civility, and ſhall come among the Engliſh to Inhabit, in any of their Plantations, and ſhall there live Civilly and Orderly;

That ſuch Indians ſhall have Allotments amongſt the Engliſh, according to the Cuſtome of the Engliſh in like caſe.

Civil Indians to have Land granted them.

Further it is Ordered, that if upon good experience, there ſhall be a competent number of the Indians brought on to Civility, ſo as to be capable of a Townſhip, upon their requeſt to the General Court, they ſhall have graunt of Lands undiſpoſed of, for a Plantation as the Engliſh have.

Indians not to be diſpoſſeſſed

And further it is Ordered by this Court, that if any Plantation or Perſon of the Engliſh, ſhall offer injuriouſly to put any of the Indians from their Planting grounds, or Fiſhing-places, upon their complaint and proof thereof, they ſhall have relief in any of the Courts of Juſtice amongſt the Engliſh, as the Engliſh have.

And further it is Ordered by this Court and the Authority thereof, and be it hereby Enacted, That all the Tract of Land within this Juriſdiction, whether already granted to any Engliſh Plantations or Perſons, or to be granted by this Court (not being under the qualification of Right to the Indians) is, and ſhall be accounted the juſt Right of ſuch Engliſh as already have, or hereafter ſhall have Graunt of Lands from this Court, and the Authority thereof; from that of *Geneſis 1. 28.* and the Invitation of the Indians.

Lo 1. p. 28.

2. And it is Ordered, That no Perſon whatſoever, ſhall henceforth buy

buy Land of any Indian without Licenſe firſt had and obtained of the General Court, and if any offend herein, ſuch Land ſo bought ſhall be forfeited to the Country.

None to buy Land [illegible]

Nor ſhall any perſon, ſell, give or Barter, directly or indirectly, any Gun or Guns, Powder, Bullets, Shot, Lead to any Indian whatſoever, or to any perſon Inhabiting out of this Juriſdiction: Nor ſhall any amend or repair any Gun belonging to any Indian, nor ſhall ſell any Armour or Weapons, upon penalty of *ten pounds* for every Gun, Armour or Weapons ſo ſold, given or Bartered, *five pounds* for every pound of Powder, *forty ſhillings* for every pound of Shot or Lead, and proportionably for any greater or leſſer quantity. [*1633. 37.*]

no [illegible] nition [illegible] did with [illegible] dians.

FOR *Explanation of the Law*, tit. *Indians*;

This Court doth Declare the Prohibition there expreſt, Referring to the purchaſe of Indian Land without Licence from this Court, is to be underſtood, as well Graunts for tearm of years as for ever, and that under the ſame penalty, as in the ſaid Law is expreſt. [*1665.*]

3. *Whereas the* French *and* Dutch *and other forreign Nations do ordinarily Trade Guns, Powder, Shot, &c. with Indians, to our great preſjudice and ſtrengthening and animating the Indians againſt us, And the aforeſaid* French, Dutch *&c. do prohibit all Trade with the Indians within their reſpective Juriſdictions, under penalty of Confiſcation, &c.* *L. 2. p. 15.*

It is therefore Ordered; That it ſhall not be lawful for any *Frenchman, Dutch-man*, or any perſon of any other Forreign Nation whatſoever, or any *Engliſh* dwelling amongſt them, or under them, or any of them, to Trade with any *Indian* or *Indians* within the Limits of our Juriſdiction, directly or indirectly by themſelves or others, under penalty of Confiſcation of all ſuch Goods and Veſſels as ſhall be found ſo Trading, or the due value thereof, upon juſt proof of any Goods or Veſſels, ſo Trading or Traded.

Forreigners prohibited Trading without Indians

And it ſhall be lawful for any perſon or perſons, Inhabiting within this Juriſdiction, to make ſeizure of any ſuch Goods or Veſſels Trading with the *Indians*; one half whereof ſhall be for the proper uſe and benifit of the party ſeizing, and the other half to the Country.

4. *And becauſe the Trade of Furrs with the Indians in this Juriſdiction, doth properly belong to this Common-wealth, and not unto particular perſons*; *A. 57. p. 22.*

It is therefore Ordered, That henceforth no Perſon or Perſons, directly or indirectly, ſhall Trade with the Indians for any ſort of Peltry, excepting only ſuch as are Authorized by this Court, or by ſuch Committee as this Court ſhall appoint from time to time, under the penalty of *one Hundred pounds* fine for every offence, *ten pound* whereof ſhall be to the Informer, the reſt to the Country.

None to Trade furrs with Indians without licenſe under penalty of 100 li.

5. *Whereas ſeveral Orders for the preventing of Drunkenneſs amongſt the Indians have been made, yet notwithſtanding there is little or no reformation: For the prevention thereof, and the frequent effects thereof, Murder and other outrages amongſt them*; *A. 52. p. 23.*

This Court doth Order, that no perſon of what quality or condition

Stong Liquors prohibited to be sold or given to Indians on penalty of 40.s. per pint

soever, shall henceforth Sell, Truck, Barter, or give any strong Liquors to any Indian, directly or indirectly, whether known by the name of Rum, strong-Waters, Wines, strong Beer, Brandy, Cyder, Perry, or any other strong-Liquors, going under any other name whatsoever; under the penalty of *forty shillings* for one pint, and so proportionably for greater or lesser quantities so Sold, Bartered or Given, directly or indirectly as aboveſaid.

And for the better execution of this Order;

All Trucking Houses erected (not allowed by this Court) shall be forthwith demolished.

And for the better effecting of this Order;

It is Declared that one third part of the penalty, shall be granted to the Informer.

It is also Ordered, that special care shall be had by the Grand-jury, of every Shire Court, to inquire and present to the Court what they finde, to discover matter tending to such practise, against the true intent of this Law:

And all other Orders giving liberty to sell strong Liquors to the Indians, are hereby Repealed; and all Licenses formerly granted, are hereby disabled and called in; Provided alwayes, that it is not intended that this Law shall extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of suddain extremity, by sickness or fainting, which calls for such help, not exceeding one dram, nor when any Physitian shall prescribe in way of Physick any of the particulars beforementioned; so as upon sight of his direction in writeing, there be allowance had under the hand of one Magistrate, or where no Magistrates in the Town residing, being under the hands of the Town Commissioners or two of them. [*1657.*]

Except in case of sickness, &c.

A. 56. p. 18.

6. *This Court considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet*;

Doth Order, That henceforth no person or persons Inhabiting within this Jurisdiction, shall directly or indirectly any wayes give, sell, barter or otherwise dispose of any Boat, Skiffe, or any greater Vessel unto any Indian or Indians whatsoever, under the penalty of *fifty pounds*, to be paid to the Country Treasurer, for every such Vessel so sold or disposed as aforesaid. [*1656.*]

No Boats to be sold to Indians

L. 1. p. 28.

7. It is Ordered by this Court, That in all places within this Jurisdiction, the English shall keep their Cattle from destroying the Indians Corn, in any ground where they have right to plant, and if any of their Corn be destroyed for want of Fencing or Hearding; the Town shall make satisfaction, and shall have power among themselves, to lay the charge where the occasion of the damage did arise; Provided that the Indians shall make proof, that the Cattle of such a Town, Farm or Person did the damage.

Damage done to Indians in their Corn to be satisfied.

And for incouragement of the Indians, towards the Fencing in of their Corn-fields;

Such Towns, Farms, or Persons, whose Cattle may annoy them that way, shall Direct, Assist and help them, in felling of Trees, riving and sharpning Rails, and holing of Posts; allowing one English-man to three or more Indians; And shall also draw the fencing into place for them, and allow one man a day or two, towards the setting up the same, and either lend or sell them Tools to finish it; Provided, that such Indians to whom the Country or any Town, have given, or shall give Ground to

Help Ind Fence their Ground.

plant

plant upon, or ſhall purchaſe ground of the Engliſh, ſhall Fence ſuch their Corn Fields or Ground, at their own charge as the Engliſh do or ſhould do:

And if any Indian refuſe to fence their Corn Ground (being tendred help as aforeſaid) in the preſence and hearing of ſufficient witneſſes, they ſhall keep off all Cattle, or loſe their damages.

And it is alſo Ordered, that if any harm be done at any time by the Indians unto the Engliſh, in their Cattle; the Governour or Deputy Governour with two of the Aſſiſtants, or any three Magiſtrates, or any County Court, may order ſatisfaction according to Law and Juſtice. [*1640. 48.*]

Indians to pay for hurt done to Cattle

8. *Whereas one end in planting theſe parts was to propagate the true Religion unto the Indians, and that divers of them are become ſubject to the Engliſh, and have engaged themſelves to be willing and ready to underſtand the Law of God;*

It is therefore Ordered, That ſuch neceſſary and wholſome Laws which are in force, and may be made from time to time, to reduce them to civility of life, ſhall be once a year (if the times be ſafe) made known to them, by ſuch fit perſons as the General Court ſhall appoint.

Laws to be publiſhed to the Indians

9. *For the better Ordering and Governing the Indians ſubject to us, eſpecially thoſe of* Natick *and* Punquepaog; *&c. 38.*

It is Ordered that whomſoever the Court ſhall appoint, do take care that all ſuch Indians do live according to our Laws, as far as they are capable, and to that end ſhall be Authorized to conſtitute and appoint Indian Commiſſioners in their ſeveral Plantations, to hear and determine all ſuch matters that do ariſe amongſt themſelves as one Magiſtrate may do amongſt the Engliſh, with Officers to execute all Commands and Warrants, as Marſhal and Conſtables.

And further they joyntly ſhall have the power of a County Court, to hear and determine all cauſes ariſing among them, the Engliſh Magiſtrate appointing the time and place of the Court, and conſenting to the determination or judgement, and all other matters beyond their cognizance ſhall be iſſued and determined by the Court of Aſſiſtants.

Courts to be kept among the Indians.

10. And it is Ordered, that no Indian ſhall at any time *Powaw* or perform outward worſhip to their falſe Gods, or to the Devil, in any part of our Juriſdiction, whether they be ſuch as ſhall dwell here or ſhall come hither; and if any ſhall tranſgreſs this Law, the *Powawer* ſhall pay *five pounds*, the procurer *five pounds*, and every other countenancing by his preſence or otherwiſe (being of age, of diſcretion) *twenty ſhillings*, and every Town ſhall have power to reſtrain all Indians that ſhall come into their Towns from prophaning the Lords day. [*1633, 37, 40, 41, 42, 46, 48, 56, 57, 58.*]

Powaws forbidden.

Towns to reſtrain Indians from prophaning the Sabbath

WHereas *the ſin of Drunkenneſs amongſt the Indians doth much increaſe, notwithſtanding the Laws provided againſt that crying ſin;*

This Court doth therefore Order, that any perſon or perſons, that ſhall ſee, know or finde any Indian with any ſtrong Liquors, Wine or ſtrong Drink, that ſuch Indians have any way gotten without Order as the Law directs, ſhall have power to ſeize the ſame, and to deliver the ſaid ſtrong-Drink to the Conſtables of the Town or Place where ſuch Indians are found, with their perſons to be conveyed before ſome Magiſtrate or Commiſſioner, who have

In order to prevent Drunkenneſs in Indians

Their ſtrong Liquors &c. to be ſeized by any perſon

power to deal in ſuch caſes; and ſuch Indians as are found Drunk, being apprehended, and will not confeſs how or where they had the ſaid Wine, Liquors, or ſtrong Drink, ſhall be ſecured or impriſoned until they make a juſt acknowledgement where they had their Drink aforeſaid, or committed to the Houſe of Correction, and there labour to diſcharge the charge of their proviſion.

Their accuſation againſt perſons to be evidence unleſs the party clear himſelf on Oath, &c.

And if any ſuch Indian do accuſe any perſon for ſelling or delivering ſtrong Drink unto them, ſuch Indian accuſation ſhall be accounted valid againſt any ſuch perſon accuſed; except ſuch perſons ſhall clear themſelves by taking their Oath to the contrary, any Law or Cuſtome to the contrary notwithſtanding.

If Drunk to pay ten ſhillings or be whipt with ten ſtripes, &c.

And it is alſo further Ordered, that whatſoever Indian ſhall hereafter be taken Drunk, ſhall pay the ſum of *ten ſhillings* or elſe be whipt, by laying on *ten ſtripes*, according to the diſcretion of the Judge, whether Magiſtrate or Commiſſioner who ſhall have cognizance of the caſe: And in all Towns where no Magiſtrate or Commiſſioners are, ſuch Caſes ſhall be judged by the Select men or major part of them. [*1666.*]

Trade with Indians for peltry & Amunition regulated.

IT is Ordered by this Court and the Authority thereof, That henceforth every perſon that is or ſhall be allowed by the Treaſurer of the Country to Trade Peltry or Skins with the Indians, ſhall have liberty to ſell unto any Indian or Indians, not in Hoſtility with us, or any of the Engliſh in *New-England*, Powder, Shot, Lead, Guns, (*i. e.*) Hand Guns, Rapier or Sword blades; Provided he or they pay unto the Country Treaſurer every half year in money, *ſixpence* a pound for every pound of Powder, *ſixpence* for every *ten* pounds of Shot or Lead, *three ſhillings* for every Gun, *three ſhillings* for every dozen of Rapier or Sword blades, and ſo proportionably for any quantity that he or they ſhall ſell to any Indian or Indians; and every ſuch perſon allowed to Trade as aforeſaid, ſhall upon Oath deliver to the Treaſurer a true and juſt account of the particulars of the abovementioned Commodities, by him or them ſold unto any Indian or Indians.

Every allowed Trader paying to the Country Treaſurer ſeveral ſums appointed, &c.

And it is further Ordered, that any perſon allowed as before, that ſhall be convicted before any two Magiſtrates or County Court, of ſelling or bartering any of the forementioned Commodities unto any Indian, whereof he or they have not given a true and juſt account, and made due payment unto the Treaſurer as is above expreſſed; every ſuch perſon or perſons ſhall forfeit to the publick Treaſury, *five pounds ſterling* for every pound of Powder, *five pounds* for every *ten* pounds of Shot or Lead, *ten pounds* for every Gun great or ſmall, and *ten pounds* for every dozen of Rapier or Sword blades, and ſo proportionably for any quantity of the aforeſaid Commodities ſold or bartered by him or them to any Indian or Indians: and all perſons except ſuch as are allowed, are hereby prohibited from ſelling any of the forementioned Commodities unto any Indian or Indians, upon the penalty expreſſed in the Law, *tit.* Indians, *Sect. 2.* And this Order to continue in force during the Courts pleaſure; any Law or Order to the contrary notwithſtanding. [*1668.*]

Inditements.

INDITEMENTS.

IT is Ordered by this Court; That no perſon ſhall be Indited, Preſented, Informed againſt, or Complained of to any Court or Magiſtrate within this Juriſdiction, for the breach of any penal Law, or any other miſdemeanour, the forfeiture whereof belongs to the Country, unleſs the ſaid Inditement or Complaint, be made and exhibited within one year after the offence be committed; and if any ſuch Inditement, Preſentment, Information or Complaint be not made within the time limited, then the ſame ſhall be void and of none effect: *A. 52. f. 16.*

Complaints and Preſentments to be made within a year.

Provided alwayes, this Law ſhall not extend to any Capital Offences, nor any Crimes that may concern loſs of Member or Baniſhment, or to any Treaſonable Plots or Conſpiracies againſt the Common-wealth, nor to any Felonies above *ten ſhillings*, nor ſhall it hinder any perſon grieved, or that hath any wrong done to him or his Wife, Children, or Servants, or Eſtate, real or perſonal, but that every ſuch perſon ſhall have ſuch remedies as formerly he might or ought to have. [*1652.*]

In-keepers, Ordinaries. Tipling, Drunkenneſs.

FOraſmuch as there is a neceſſary uſe of Houſes of Common Entertainment in every Common-wealth, and of ſuch as Retail Wine, Beer and Victuals, yet becauſe there are ſo many abuſes, both by perſons entertaining and by perſons entertained;

It is therefore Ordered by this Court and Authority thereof; That no perſon or perſons ſhall at any time, under any pretence or colour whatſoever, undertake to be a Common Victualler, Keeper of a Cooks ſhop, or Houſe for Common Entertainment, Taverner, or publick Seller of Wine, Ale, Beer, or Strong-waters by Retail, (nor ſhall any ſell Wine privately in his Houſe, or out of doors, by a leſs quantity then Quarter Cask) without approbation of the Selected Townſmen, and Licenſe of the County Court where they dwell, upon pain of forfeiture of *five pounds* for every ſuch offence, or Impriſonment at the pleaſure of the Court. *A. 58.*

None to keep Ordinaries with out Licenſe

Provided, it ſhall be lawful for any whole ſale Merchant of Wines, or the preſent Stillers of Strong-waters, being Maſters of Families, or ſuch as receive the ſame from forreign parts in Caſes, &c. or makers of Cyder to ſell by Retail; Provided the quantity of Wine and Cyder, be not leſs then three Gallons at a time to one perſon, nor Strong-waters leſs then a quart; and that it be only to Maſters of Families of good and honeſt report, or perſons going to Sea; and they ſuffer not any perſon to drink the ſame in their Houſes, Cellars or Yards.

Liberty to ſell Wine & Strong-waters by retail

And every perſon ſo Licenſed for Common Entertainment, ſhall have ſome inoffenſive Sign, obvious for direction of Strangers, and ſuch as have

Ordinaries to have Signes

no ſuch Signe after three Months ſo Licenſed, ſhall loſe their Licenſe, and others be allowed in their ſtead.

L.2. p.13. *A.51. p.4.* *A.53. p.19.* 2. And every perſon Licenſed to keep an Ordinary, ſhall alwayes be provided of Strong Wholſome Beer, of four Buſhels of Malt (at the leaſt) to a Hogſhead, which he ſhall not ſell at above *two pence* the Ale quart, upon penalty of *forty ſhillings* for the firſt offence, and for the ſecond offence to loſe his Licenſe.

To be alwayes provided with ſtrong Beer a. d. per quart

And it is permitted to any that will, to ſell Beer out of doors, at *one penny* the Ale quart or under.

WHereas the Law tit. *In-keepers*, Sect. *2. hath provided, that every perſon Licenced to keep an Ordinary, ſhall alwayes be provided of ſtrong wholſome Beer, of four Buſhels of Malt at the leaſt to a Hogſhead, which was Intended, and is hereby Declared to be of good Barly Malt, not to be ſold for above* two pence *the Ale quart, on penalty as in the ſaid Law is expreſſed, notwithſtanding which, many keepers of Inns and Ordinaries as regardleſs of the ſaid Law, or of the debaſing of the produce of the Country, take liberty to make and ſell Drink Brewed of, or mixed with Melaſſes, courſe Sugar, or other Materials, to the damage, juſt offence and prejudice of ſundry perſons*;

Four Buſhels of Barly Malt in a Hogſhead

It is therefore Ordered by this Court and the Authority thereof, that no perſon Licenſed as aforeſaid, ſhall after publication hereof, ſell or any wayes utter any Beer, Ale or Drink inſtead thereof, by Retail, that is not made altogether of good Barly Malt, without any mixture of Melaſſes, courſe Sugar or other Materials inſtead of Malt, on penalty of *five pounds* for every ſuch offence, one half to the Informer, the other half to the County where ſuch offence ſhall be committed; beſides the penalties in the former recited Law expreſſes, on Complaint to any Magiſtrate, County Court or Commiſſioner for Boſton, unleſs the party complained of, ſhall legally prove his or her Innocency therein, in which caſe, it ſhall be in the liberty of the Authority as aforeſaid, to accept the Oath of ſuch perſon if tendred to him or them, if they ſee cauſe: And the Authority aforeſaid, are hereby impowred to hear and determine ſuch Complaints; any Law, Cuſtome or Uſage to the Contrary notwithſtanding. [*1667.*]

L.1. p.30. 3. And no Licenſed perſon as aforeſaid, ſhall ſuffer any to be Drunk, or to Drink Exceſſively, *viz.* above half a pint of Wine for one perſon at a time, or to continue Tipling above the ſpace of half an hour, or at unſeaſonable times, or after nine of the Clock at night, in, or about any of their Houſes, on penalty of *five ſhillings* for every ſuch offence.

Not to permit any to be Drunk &c.

L.2. p.6. And if any perſon Licenſed to ſell Wine or Beer as aforeſaid, ſhall conceal in his Houſe any perſon that ſhall be found Drunken, and ſhall not forthwith procure a Conſtable to carry ſuch Drunken perſon before ſome Magiſtrate or Commiſſioner, and in the interim, the ſaid Vintner or Drawer of Beer, ſhall make ſtay of ſuch perſons till the Conſtable ſhall come, under the penalty of *five pounds*, for every default.

Not to conceal Drunkards

L.1. p.30. 4. And every perſon found Drunken, *viz.* ſo as he be thereby bereaved or diſabled in the uſe of his underſtanding, appearing in his ſpeech

or

or geſture, in any of the ſaid Houſes or elſewhere, ſhall forfeit *ten ſhillings*, and for exceſſive Drinking *three ſhillings four pence*, and for continueing above half an hour Tipling *two ſhillings ſix pence*, and for Tipling at unſeaſonable times, or after nine of the Clock at night *five ſhillings* for every Offence in thoſe particulars, being lawfully convict thereof, and for want of payment, they ſhall be impriſoned till they pay, or be ſet in the Stocks one hour or more (in ſome open place) as the Weather will permit not exceeding three hours.

Drunkenneſs. Tipling the penalty

L. 2. p. 6.

5. And if any perſon be found Drunken, by night or by day, or ſhall in his Drunkenneſs offer any abuſe to the Conſtable or others, either by ſtriking or reviling him or them, or uſing any endeavours by himſelf or others to make an eſcape, it ſhall be in the power of the Conſtable to commit ſuch perſon or perſons to ſafe keeping or impriſonment, or take Bond for his appearance, as he ſhall ſee cauſe; and the Keepers of each Priſon, upon Warrant from any Magiſtrate, or Commiſſioner, or Select men, ſhall receive all ſuch as ſhall be ſo committed, and take but *twelve pence* for his fee in ſuch caſes.

Drunkards abuſing the Conſtable to be committed

And the Conſtable ſhall inform the next Magiſtrate thereof, but if no Magiſtrate be in Town, he ſhall convent ſuch perſon or perſons before one or more of the Commiſſioners for ending ſmall cauſes, and where no Commiſſioners are, before any one or more of the Select men of the Town, who have power given them to do as any one Magiſtrate may do in like caſe; Provided nevertheleſs, if any ſuch Delinquent ſhall confeſs his fault, and pay his fine and other charges, the Conſtable ſhall receive it and diſmiſs the offender, and every perſon hereby Authorized to receive the fines aforeſaid, ſhall forthwith make return to the Treaſurer of the County where ſuch offence is committed, of what he hath done and received in ſuch caſes.

Convented before ſome Magiſt. Commiſſioner or Select men

L. 1. p. 36.

6. It ſhall be lawful notwithſtanding, for all Licenſed perſons to entertain Land-travellers or Sea-faring men in the night ſeaſon, when they come on ſhore or from their journey for their neceſſary refreſhment, or when they prepare for their voyage or journey the next day early, ſo there be no diſorder among them, and alſo Strangers, Lodgers or other perſons in an orderly way, may continue in ſuch Houſes of Common Entertainment during meal times, or upon lawful buſineſs what time their occaſion ſhall require.

Travel ers entertained for a night

Wine merchants. Coopers &c. not to permit any to be Drunk

7. Nor ſhall any Merchant, Cooper, Owner or Keeper of Wines, or other perſons that have them in ther cuſtody, ſuffer any perſon to drink to Exceſs or Drunkenneſs in any of their Wine-ſellers, Ships or other Veſſels, or places where Wines do lye on pain to forfeit for each perſon ſo doing, *ten ſhillings*.

A. 54 p. 2.

Nor ſhall any perſon Licenſed to ſell Strong waters, or any private Houſe-keeper permit any perſon or perſons to ſit Drinking or Tipling Strong-waters, Wine or Strong Beer in their Houſes. And if any ſuch Seller of Strong-waters or private Houſekeeper, ſhall be legally convicted before any County Court, any one Magiſtrate or Commiſſioners Court, ſuch perſons ſhall for the firſt offence be fined *twenty ſhillings*, and if the party ſo convicted be not able to pay his fine, he ſhall be ſet in the Stocks, where he ſhall continue one whole hour, and if any ſuch Seller of Strong waters ſhall be convicted as aforeſaid of a ſecond Offence of the ſame nature, he ſhall forfeit his Licenſe, and ſhall alſo pay *twenty ſhillings* as a fine to the Country, and if any private Houſe-keeper, ſhall be convicted as aforeſaid of a ſecond Offence againſt this Law, he ſhall pay a fine of *five pounds*,

Private Houſe-keepers not to permit any to tipple in their Houſes

Firſt offence 20 s.

Second offence 5 li.

third offence good behaviour.

and for a third offence, ſuch perſon or perſons being ſo convicted, ſhall be bound to their good Behaviour in *twenty pound* Bond, with two ſufficient Sureties, or be committed to Priſon.

L. 1. p. 30.

8. And if any perſon offend in Drunkenneſs, exceſſive or long Drinking the ſecond time, they ſhall pay double fines.

Drunk the ſecond time double fine

third treble

And if they fall into the ſame offence the third time, they ſhall pay treble the fines; and if the parties be not able to pay the fines, then he that is found Drunk ſhall be puniſhed by whipping, to the number of *ten ſtripes*; and he that offends in exceſſive or long Drinking, ſhall be put into the Stocks for three hours, when the weather may not hazard his life or limbs.

fourth time impriſonment

And if they offend the fourth time, they ſhall be impriſoned until they put in two ſufficient ſureties for their good Behaviour.

Inkeepers convict of a third offence

9. And it is further Ordered, That if any perſon that keepeth or hereafter ſhall keep a common houſe of Entertainment, ſhall be lawfully convicted the third time, for any offence againſt this Law; he ſhall (for the ſpace of three years next enſueing the ſaid conviction) be diſabled to keep any ſuch houſe of Entertainment, or ſell Beer, or the like, unleſs the Court aforeſaid, ſhall ſee cauſe to continue him.

forfeit their Licenſe

Proviſion for Horſes

10. It is further Ordered, that every In-keeper or Victualler, ſhall provide for the entertainment of Strangers Horſes, *viz.* one or more Incloſures for Summer; Hay and Provender for Winter, with convenient Stable-room and Attendants, under the penalty of *two ſhillings ſixpence* for every dayes default, and double damage to the party thereby wronged, except it be by inevitable accident.

Vintners to pay 50. s. per Butt

11. And it is further Ordered by the Authority aforeſaid; That no Taverner, Seller of Wine by Retail Licenſed as aforeſaid, ſhall take above *nine pound* profit by the Butte or Pipe of Wine, (and proportionably for all other Veſſels) towards his waſte in drawing and otherwiſe, out of which allowance, every ſuch Taverner or Vintner, ſhall pay *fifty ſhillings* by the Butte or Pipe, and proportionably for all other Veſſels to the Country; for which they ſhall account with the Treaſurer or his Deputy every ſix Months and diſcharge the ſame, all which they may do by ſelling *ſixpence* a quart in Retail (which they ſhall no time exceed) more then it coſt by the Butt: Beſides the benefit of their Art and Myſtery which they know how to make uſe of.

To give notice to the Treaſurer what Wine they buy

And every Taverner or Vintner ſhall give a true account and notice unto the Treaſurer or his Deputy, of every Veſſel of Wine he buyes from time to time within three dayes, upon pain of forfeiting the ſame or the value thereof, the one half to the Country, the other half to the Treaſurer and Informer.

A. 58.

And it is Ordered, that the ſaid Impoſt, ſhall from time to time be paid in Wines at Merchantable price, or other equivalent Merchantable good pay, to the content of the Treaſurer, and that the Treaſurer ſhall take ſpecial care in collecting the ſame; who is hereby impowred to ſubſtitute ſuch Deputies under him as he ſhall ſee meet in the ſeveral Towns for his help and furtherance herein; for all which pains and care, he ſhall be allowed *two ſhillings* in the pound of all ſuch Impoſts as he ſhall bring into his Annual account with the Country.

Treaſurer to have 2. s. per li. of this Impoſt

Provided alwayes, that if any Vintner, Taverner or Retailer of Wines, ſhall

ſhall give an account to the Treaſurer of any part of any Wine entred as aboveſaid, that he hath ſold away again by whole-ſale, being no leſs in quantity then a Quarter Cask to one perſon at one time, and ſhall truely certifie the perſon who had it, and the time when; ſuch perſon or perſons ſhall be abated of their Impoſt, in proportion to what they have ſold.

Sellers of ſtrong water to give notice to the Marſhal within 3 dayes

And all ſuch as Retail ſtrong-Waters, ſhall in like manner pay *two pence* upon every quart to the uſe of the Country, who ſhall alſo give notice to the Marſhal General of every Caſe and Bottle, or other quantity they buy within three dayes, upon pain of forfeiture as before.

L. 2. p. 31.

12. And it is Ordered; That in all places where Week day Lectures are kept, all Taverners, Victuallers and Ordinaries, that are within one mile of the Meeting-houſe to which they belong, ſhall from time to time clear their Houſes of all perſons able to go to Meeting, during the time of the exerciſe, (except upon extraordinary cauſe, for the neceſſary refreſhing of Strangers unexpectedly repairing to them) upon pain of *five ſhillings* for every ſuch offence, over and beſides the penalties incurred by this Law for any other diſorder.

Ordinary keeper to clear their houſes in meeting time

13. It is alſo Ordered, That all offences againſt this Law, may be heard and determined by any one Magiſtrate, who ſhall hereby have power by warrant to ſend for, and examine parties and witneſſes concerning any of theſe offences: and upon due conviction either by view of the ſaid Magiſtrate, or Affirmation of the Conſtable, and one ſufficient witneſs with circumſtances concurring, or two witneſſes, or confeſſion of the party, to leavy the ſaid ſeveral fines, by warrant to the Conſtable for that end.

One Magiſtr. to hear & determin all offences againſt this Law

Delinquents to teſtimony

And if any perſon ſhall voluntarily confeſs his offence againſt this Law in any the particulars thereof, his Oath ſhall be taken in evidence and ſtand good againſt any other offending at the ſame time.

14. It is further Ordered by the Authority aforeſaid; That all Conſtables may, and ſhall from time to time, duely make ſearch throughout the limits of their Towns upon Lords dayes and Lecture dayes in times of exerciſe, and alſo at all other times ſo oft as they ſhall ſee cauſe, for all Offences and Offenders againſt this Law, in any the particulars thereof.

Conſtable to ſearch in Ordinaries

Conſtab. neglect

And if upon due Information or Complaint, of any of their Inhabitants or other credible perſons, whither Taverner, Victualler, Tabler or other, they ſhall refuſe or neglect to make ſearch as aforeſaid, or ſhall not to their power perform all other things belonging to their place and office of Conſtable, then upon complaint and due proof before any one Magiſtrate, within three Months of ſuch refuſal or neglect, they ſhall be fined for every ſuch offence *ten ſhillings*, to be leavied by the Marſhal as in other caſes by Warrant from ſuch Magiſtrate before whom they are Convicted or Warrant from the Treaſurer upon notice from ſuch Magiſtrate.

Fined to 10 s

A. 57. p. 21.

15. *And becauſe it is difficult to Order and keep the Houſes for publick Entertainment in conformity to the wholſome Laws eſtabliſhed, as is neceſſary for preventing Drunkenneſs, exceſſive Drinking, vain Expences of money, Time, and the abuſe of the good Creatures of God*;

It is therefore Ordered by this Court and the Authority thereof, That no perſon or perſons hereafter ſhall be Licenſed to keep a Houſe of Common entertainment for any longer then one year at one time, and that ſuch as keep Houſes of publick entertainment, (the preſent Vintners during their contract excepted) ſhall and hereby are enjoyned once every

Ordinaries to renew their Licenſe yearly

year, to repair to the ſeveral County Courts for reniewing their ſevera Licenſes (for which they ſhall pay *two ſhillings ſixpence* to the Clerk of the Court) or elſe they ſhall forfeit *five pounds* as unlicenſed Ale-houſe-keepers. [*1645, 46, 47, 48, 51, 53, 57, 58.*

Upon complaint of the great abuſes that are daily committed by the Retailers of Strong-waters, Rhum, &c. both by the Stillers thereof, and ſuch as have it from forraigne parts;

None to Still or Retail Liquors without Licenſe

This Court do therefore Order, that henceforth no perſon or perſons ſhall practiſe the Craft of Stilling Strong-waters, nor ſhall ſell or Retail any, by leſs quantities then a Quarter Cask, and the ſame to be delivered not at ſeveral times or in ſeveral parcels, but at one time, without Covin or Fraud, excepting only ſuch as ſhall be allowed Annually by the County Courts reſpectively, on penalty of *five pounds* forfeiture for every time that any perſon or perſons ſhall be legally convicted thereof; any Law, Uſage or Cuſtome, or former Licenſes to the contrary notwithſtanding.

Provided alwayes, this Law ſhall not prohibit ſuch Merchants as have Strong-liquors from forreigne parts in Caſes, from ſelling the ſame by the whole Caſe, either to ſuch as are going to Sea, or to Maſters of Families of good report. [*1661.*]

This Court being ſenſible of the great increaſe of prophaneſs among us, eſpecially among the younger ſort, taking their opertunity of meeting together in places of publick Entertainment, to corrupt one another by their uncivil and wanton carriage, rudely ſinging and making a noiſe, to the diſturbance of the Family and other Gueſts if any be in the Houſe;

Penalty for rude ſinging in Taverns

This Court do therefore Order and hereby Enact, That no perſon or perſons whatſoever, do preſume either in Word or Deed to carry it uncivilly, or wantonly, ſinging rudely, or making a noiſe to the diſturbance of the Family, or any other Gueſts in any place of Publick Entertainment, on penalty of paying *five ſhillings* for every offence againſt this Law, being therefore legally Convicted before any Court, Magiſtrate or Commiſſioner:

And where ſundry perſons are in the ſame company, where any ſuch rude and uncivil carriages are acted, and the particular perſon or perſons unknown, every of the ſaid perſons ſhall be liable to the like penalty, unleſs they can atteſt their innocency, and do freely give in their teſtimony againſt the nocent.

And if any perſon allowed to keep a houſe of publick Entertainment ſhall ſuffer ſuch carriages by any perſon or perſons, and not legally proſecute the ſame before Authority, on legal conviction thereof, before the County Court of whom they had their Licenſe, they ſhall be debarred of any further renewal thereof. [*1664.*]

As an Addition to the Law, tit. *In-keepers*;

It is Ordered by this Court and the Authority thereof, That where any perſon or perſons whatſoever, ſhall preſume to keep an Houſe of

publick

publick Entertainment, Ordinary, Cooks ſhop, or ſhall by Retail ſell Wine, Strong Beer, Liquors or Cyder, without Licenſe firſt had and orderly obtained; or having had Licenſe, and not renewed as the Law requireth, or being diſcharged for any miſdemeanour committed, or ſuffered to be done in their Houſes, or in or about the ſame: It ſhall be lawful for any Court or Magiſtrate, on complaint made to them of ſuch Miſdemeanour, to ſend for ſuch perſon or perſons before them, and being legally convicted of any the aboveſaid offences, beſides the penalty, to require Bond, with ſufficient Sureties for the good Abbearance of ſuch perſon or perſons, and in ſpecial for their obſervance of the ſaid Law: And in caſe of Refuſal to give ſuch Bond with Sureties as is required; the Court or Magiſtrate that hath cognizance of ſuch Complaint, ſhall commit ſuch perſon or perſons convicted as aboveſaid to Priſon, until the next Court of that County. [*1665.*]

WHereas this Court hath made ſeveral Laws and Orders for the prevention of the ſin of Drunkenneſs, and miſpending precious Time and Eſtate; and yet notwithſtanding great complaint is made of ſeveral perſons ſpending their Time and Eſtate by Drinking and Tipling in Taverns and Ale-houſes, to the great diſhonour of God, and prejudice of their Families; For the prevention whereof,

For prevention of Drunkenneſs.

It is Ordered by this Court and the Authority thereof, That the Select men of each Town ſhall be, and are hereby required and impowred to take ſpecial care and notice of all and every perſon and perſons tranſgreſſing as aboveſaid, and thereupon to require him or them to forbear the frequenting of ſuch Houſes or Taverns: and if any perſon ſhall after ſuch warning given him, be found in any ſuch Houſe of Entertainment, and be legally convicted thereof, before any one Magiſtrate or Commiſſioner, he ſhall forfeit *five ſhillings*, to be paid to the Treaſurer of that Town for every ſuch Offence, or ſit in Stocks as the Judges ſhall ſee meet.

And it is further Ordered, That the Select men ſhall alſo give notice to the keepers of ſuch Publick Houſes, that they ſuffer no ſuch noted perſon in any of their Houſes, upon the penalty of *twenty ſhillings* for every ſuch defect, to be paid to the Treaſurer as aforeſaid. [*1670.*]

Judgements and Executions.

WHereas there is a great abuſe in ſelling of Judgements and Executions, and ſo altering the property of them before they be ſatisfied, or Goods ſeized, whereby great inconvenience may ariſe, as experience hath proved; *A. 54.*

This Court doth therefore Order, That after the end of this Seſſion, no perſon ſhall ſell, Alienate or Aſſigne any Judgement or Execution whatſoever, and if any ſhall preſume to Act contrary to this Order, his Sale, Aſſignment or Alienation ſhall be void in Law; and in caſe the party die after the Judgement

Judgements and Executions not to be ſold.

before he hath taken out an Execution, or before ſatisfaction be received, his Executor or his Adminiſtrator ſhall take out or reniew the Execution, as the party deceaſed might have done.

JURORS. JURIES.

L. 2. p. 5.

Clerk to grant warrant for Jurors

Choſen by the Freemen

Conſtables to return the warrant

IT is Ordered by this Court and the Authority thereof; that the Secretary or Clerk of every Court, ſhall in convenient time before the ſitting of the Court, ſend Warrants to the Conſtables of the ſeveral Towns of the Juriſdiction of that Court, for Jury-men proportionable to the Inhabitants of each Town: And the Conſtable upon the receipt of ſuch Warrant, ſhall give timely notice to the Free men of their reſpective Towns, to chuſe ſo many able, diſcreet men as the Warrant ſhall require, which men ſo choſen, he ſhall warn to attend the Court whereto they are appointed, and ſhall make return of the Warrant unto the Clerk aforeſaid.

A. 51. p. 5.
L. 2. p. 8.

Juries at ſpecial Courts allowed 4 s. *per diem.*

The like Order ſhall be obſerved in the choice and ſummoning juries to attend ſpecial Courts:

At which Courts every Jury-man ſhall be allowed *four ſhillings per diem* for their charges, and to be paid by him upon whoſe motion the Court was granted.

L. 1. p. 32.

Jury to finde accord. to Eviden.

Bench to determine matter of equity

And all Juries ſerving at the Court of Aſſiſtants at Boſton, ſhall be Summoned reſpectively out of the Counties of *Suffolk* and *Middleſex*: And all Jurors ſo choſen, ſhall be Impannelled and ſworn truely, to try between party and party, and ſhall finde the matter of fact with the damages and coſts, according to their evidence, and the Judges ſhall declare the Sentence, or direct the Jury to finde according to Law; and if there be matter of apparent equity, as the forfeiture of an Obligation, breach of Covenant without damage, or the like, the Bench ſhall determine ſuch matters of equity.

And no tryal ſhall paſs upon any man for life or Baniſhment in any inferiour Court, but by a ſpecial Jury Summoned for that purpoſe.

Grand-Juries

L. 1. p. 47.

2. It is alſo Ordered, that there ſhall be Grand juries Summoned in like manner every year unto the ſeveral Courts in each Juriſdiction, to preſent all miſdemeanours they ſhall know or hear, to be committed by any perſon within the Juriſdiction, and to do any other ſervice of the Common-wealth, they ſhall be required by the ſaid Court.

Jurors not bound to reveal Secrets

A. 55. p. 19.

Provided no Juror, nor any perſon whatſoever ſhall be bound to inform, preſent or reveal any private Crime or Offence, wherein there is no peril or danger to this Colony, or any Member thereof, when any neceſſary tye of Conſcience binds him to ſecreſie, unleſs it be in Teſtimonies lawfully required.

Jurors allowance

And every Grand-juror ſhall be allowed *three ſhillings per diem* for his charges, out of the fees and other profits ariſing in each Court where they do ſervice, or by the County if thoſe in-comes fall ſhort.

In

3. In all cases wherein the Law is obscure, so as the Jury cannot be satisfied therein, whether it be Grand or Petty Jury, they have liberty to present a special Verdict, *viz.* If the Law be so in such a point we finde for the Plaintiffe, but if the Law be otherwise we finde for the Defendant, in which case the determination doth properly belong to the Court. *A. 57. p. 25.*

Juries liberty to give a special Verdict

And all Jurors shall have liberty in matter of Fact, if they cannot finde the main issue, yet to finde and present in their Verdict so much as they can.

4. And if the Court and Jury shall so differ at any time about their Verdict, that either of them cannot proceed with peace of Conscience, the case shall be issued and determined at the next Court of Assistants, in manner following, (*i. e.*) the Attachment with the Security for appearance at the County Court, shall be continued to the Court of Assistants: and if the Plaintiffe shall see cause further to prosecute his Action, he shall give summons to the Defendant as the Law provideth, and shall also take out of the Records of the County Court the Records of the said case with the Evidences presented by both parties, and bring the same to the Court of Assistants, where after the case is presented, as it was at the County Court, both parties shall have liberty to make any new Pleas or Evidence before the Bench and Jury: and in case the Plaintiffe shall not further prosecute his Action in manner as is hereby provided, the Defendant shall then have Judgement granted him for his costs, at the next Court of that County.

Court and Jury not agreed, case comes to the General Court

A. 58. p. 14.

5. It is further Ordered, That whensoever any Jury or Jurors are not clear in their Judgements or Conscience, concerning any case wherein they are to give their Verdict, they shall have liberty in open Court (but not otherwise) to advise with any man they shall think fit to resolve or direct them, before they give in their Verdict. *L. 1. p. 31.*

Juries liberty to take advice in open Court

And no Juror shall be compelled to serve above one ordinary Court in a year, except Grand-jurors, who shall hold two Courts together at the least, and such as shall be summoned to serve in cases of life and death, or Banishment. [1634, 41, 42, 49, 50, 51, 53, 56, 57.]

Jurors to serve but a year except

6. Whereas in Suits and Actions brought into Courts between party and party, sometimes the Plaintiffe and sometimes the Defendant, and sometimes neither of them do attend to answer when they are called to Prosecute or Answer, which hath been too long connived at by the Magistrates, and much time lost in sending to seek them out, or wait their coming in, whereby the Country charges encreased, and the Magistrates, Jurors, Witnesses and others abused, contrary to the Laudable, Reasonable Practise and Customes of all Courts in our Native Country, and other Countries known unto us;

It is therefore hereby Ordered and Enacted, That if any Plaintiffe, He or Shee have entred any Action to be tryed in any Court, or which comes orderly into any Court, by Replevin, Appeal, or by the disagreement between the Magistrates and Jury in an Inferiour Court, and do not by him or her self, or by their Attornies make their appearance and prosecute their Action immediately after they have been three times called in the Court by Name, after the first forenoon of the Court; that then they shall be Non-suited; and if Plaintiffe or Defendant appear upon such call, they shall have their costs granted by the Court against him or her that doth

Plaintif and Defendants penalty for not answ. at their call

Plaintiffs liberty to make new entry in caſe

not appear; and if afterwards both parties do agree to try their caſe at the ſame Court, they ſhall be allowed ſo to do, the Plaintiffe paying half ſo much for a new Entry as he did before.

Delinq. penalty for not anſwering when calld

And if any perſon preſented by the Grand-jury for any offence, or Summoned by a Magiſtrate to anſwer any crime, do not upon Summons appear at the time appointed, upon the third call as aforeſaid, He or Shee ſhall be proceeded againſt for contempt, except He or Shee be reſtrained or prevented by the Hand of God.

Lands, free Lands.

IT is alſo Ordered, and by this Court Declared, That all our Lands and Heritages ſhall be free from all Fines and Licenſes, upon Alienations, and from all Hariots, Wardſhips, Liveries, Primerſeizins, year, day and waſte, Eſcheats and forfeitures upon the Death of Parents or Anceſtors, natural, unnatural, caſual or judicial and that for ever. [*1641.*]

LEATHER.

THis Court conſidering the ſeveral Deceits and Abuſes which in other places have been, and are commonly practiſed by the Tanners, Curriers, and workers of Leather, as alſo the abuſes and inconveniences which accrue to the ſeveral Members of this Common-wealth, by Leather not ſufficiently Tanned and Wrought, which is occaſioned by the negligence and unskilfulneſs of theſe ſeveral Trades-men, which before, in and after, it is in the hand of the Tanner may be much bettered or impaired; for prevention whereof;

Butchers, Curriers may not Tan

It is Ordered by this Court and the Authority thereof; That no perſon uſing or occupying the Feat and Myſtery of a *Butcher, Currier or Shoemaker* by himſelf or any other, ſhall uſe or exerciſe the Feat or Myſtery of a *Tanner*, on pain of the forfeiture of *ſix ſhillings eight pence* for every Hide or Skin by him or them ſo Tanned, whileſt he or they ſhall uſe or occupy any of the Myſteries aforeſaid.

Nor ſhall any *Tanner* during his uſing the ſaid Trade of Tanning, uſe or occupy the Feat or Myſtery of either *Butcher, Currier*, or *Shoemaker*, by himſelf or any other, upon pain of the like forfeiture.

Nor

Nor ſhall any Butcher by himſelf or any other perſon, Gaſh or Cut any hide of Oxe, Bull, Steer, or Cow, in fleaing thereof, or otherwiſe, whereby the ſame ſhall be impaired or hurt, on pain of forfeiting *twelve pence* for any ſuch Gaſh, or Cut in any Hide or Skin. Gaſhing of hides forfeit 12.d.

Nor ſhall any perſon or perſons henceforth, Bargain, Buy, make any Contract, or beſpeak any rough Hide of Oxe, Bull, Steer or Cow, in the Hair, but only ſuch perſons as have and do uſe and exerciſe the Art of Tanning. Only Tanners may buy raw hides

2. Nor ſhall any perſon or perſons, uſing or which ſhall uſe the Myſtery or faculty of Tanning at any time or times hereafter, offer to put to ſale any kinde of Leather, which ſhall be inſufficiently or not throughly Tanned, or which hath been over-limed, or burnt in the limes, or which ſhall not have been after the Tanning thereof, well and throughly dryed, upon pain of forfeiting that whole Hide, half Hide, or other piece of Leather, wherein one *ſixteenth part* ſhall be found by the Searcher or Sealer of Leather (lawfully appointed) to be either over limed or inſufficiently Tanned, or not throughly dried as aforeſaid. Leather not to be over limed or inſufficiently Tanned *Penalty.*

Nor ſhall any perſon uſing the Myſtery of Tanning as aforeſaid, ſet any of their Fats in Tan-hills, or other places where the Woozes or Leather put to Tanne in the ſame, ſhall or may take any unkinde heats, nor ſhall put any Leather into any hot or warm Woozes whatſoever, on pain of *twenty pounds* for every ſuch offence.

3. Nor ſhall any perſon or perſons, uſing or occupying the Myſtery or faculty of Currying, Curry any kinde of Leather, except it be well and throughly Tanned; nor ſhall Curry any Hide being not throughly dried after his wet ſeaſon, in which wet ſeaſon, he ſhall not uſe any ſtale, urine, or any other deceitful or ſubtile mixture, thing, way or means, to corrupt or hurt the ſame; nor ſhall Curry any Leather meet for outer-ſole Leather with any other then good hard Tallow, nor with any leſs of that then the Leather will receive; nor ſhall Curry any kinde of Leather meet for upper Leather and inward Soles, but with good and ſufficient ſtuffe, being freſh, and not ſalt, and throughly liquored, till it will receive no more; nor ſhall burn or ſcald any Hide or Leather in the Currying, but ſhall work the ſame ſufficiently in all points and reſpects, on pain of forfeiture for every ſuch offence, or act done contrary to the true meaning of this Order, the full value of every ſuch Hide marred by his evil Workmanſhip or Handling, which ſhall be judged by two or more ſufficient and honeſt skilful perſons, Curriers or others on their Oath given to them for that end, by any Magiſtrate. Curriers duty *Penalty.*

4. And every Town where need is or ſhall be, ſhall chuſe one or two perſons of the moſt honeſt and skilful within their ſeveral Town-ſhips, and preſent them unto the County Court, or one Magiſtrate, who ſhall appoint and ſwear the ſaid perſons, by their diſcretion, to make ſearch and view within the precincts of their limits, in any Houſe, Shop or Warehouſe, where they conceive ſuch Leather may be, whether wrought into Shoos, Boots, or otherwiſe, as oft as they ſhall think meet and need ſhall be, who ſhall have a Mark or Seal prepared by each Town for that purpoſe; and the ſaid Searchers, or one of them ſhall keep the ſame, and therewith ſhall Seal ſuch Leather as they ſhall finde ſufficient in all reſpects and no other. And if the ſaid Searchers, or any of them, ſhall finde any Leather ſold or offered to be ſold, brought or offered to be Searched or Sealed, which Searchers of Leather to be ſworn *A. 31. p. 3.*

To ſeize all defective Leather.

ſhall be Tanned, Wrought, Converted or Uſed contrary to the true intent and meaning of this Order:

It ſhall be lawful for the ſaid Searchers or any of them to ſeize all ſuch Leather and to retain the ſame in their cuſtody, and if the owner ſhall not ſubmit to the Judgement of the Officer or Officers, the ſaid Officer ſo ſezing the ſame, ſhall within three dayes, call to him four or ſix men, honeſt and skilful in ſuch ware to view the ſame in the preſence of the party (or without him having notice thereof) who ſhall certifie upon their Oaths unto the next County Court of that Shire, or unto one of the Magiſtrates the defect of the ſaid Leather.

Searching Leather made into Shoos & Boots.

The like power ſhall the ſaid Searchers have, to ſearch all Leather wrought into Shoos or Boots, as alſo ro ſeize all ſuch as they finde to be made of inſufficient Leather, or not well and ſufficiently wrought up:

Searchers default

Penalty

And if any Searcher or Sealer of Leather, ſhall refuſe with convenient ſpeed, to ſeal any Leather ſufficiently Tanned, Wrought and Uſed according to the true meaning of this Order, or ſhall Seal that which ſhall be inſufficient, then every ſuch Searcher and Sealer of Leather, ſhall forfeit for every ſuch offence, the full value of ſo much as ſhall be inſufficiently Tanned.

Fees.

And the Fees for Searching and Sealing of Leather, ſhall be *one penny* a Hide for any parcel leſs then *five*, and for all other parcels, after the rate of *ſix pence a Dickar*, which the Tanner ſhall pay upon the Sealing of the ſaid Leather from time to time.

5. Laſtly, It is Ordered by the Authority aforeſaid, That the ſeveral fines and forfeitures in this Order mentioned, ſhall be equally divided into three parts and diſtributed, as, *viz.* one third part to the common Treaſury of the Shire wherein the offence is committed, another third part to the common Treaſury of the Townſhip where the offender inhabiteth, and the other third part to the Seizer or Seizers of ſuch Leather, Shoos, or Boots as is inſufficiently Tanned, Curried, or Wrought from time to time. [*1642, 51.*]

Liberties Common.

Liberty at publick Aſſemblies

IT is Ordered, by this Court Decreed and Declared; That every man whether Inhabitant or Forreigner, free or not free, ſhall have liberty to come to any publick Court, Council or Town meeting, and either by ſpeech or writing, to move any lawful, ſeaſonable or material Queſtion, or to preſent any neceſſary Motion, Complaint, Petition, Bill or Information, whereof that Meeting hath proper cognizance, ſo it be done in convenient time, due Order and reſpective Manner. [*1641.*]

Fiſhing and Fowling

2. Every Inhabitant who is an Houſe-holder, ſhall have free Fiſhing and Fowling in any great Ponds, Bayes, Coves and Rivers, ſo far as the Sea

Sea Ebbes and Flows within the precincts of the Town where they dwell, unleſs the Freemen of the ſame Town or the General Court have otherwiſe appropriated them :

Provided, that no Town ſhall appropriate to any particular perſon or perſons, any great Pond, containing more then ten Acres of Land, and that no man ſhall come upon anothers propriety without their leave, otherwiſe then as hereafter expreſſed.

The which clearly to determine ;

It is Declared, That in all Creeks, Coves and other places about and upon Salt-water, where the Sea Ebbs and Flows, the Proprietor, or the Land adjoyning, ſhall have Propriety to the Low-water mark, where the Sea doth not Ebbe above a *hundred Rods*, and not more whereſoever it Ebbs further,

Provided that ſuch Proprietor, ſhall not by this liberty have power to ſtop or hinder the paſſage of Boats or other Veſſels, in or through any Sea, Creeks or Coves, to other mens Houſes or Lands.

And for great Ponds lying in Common, though within the Bounds of ſome Town, it ſhall be free for any man to fiſh and fowle there, and may paſs and repaſs on foot through any mans propriety for that end, ſo they treſpaſs not upon any mans Corn or Meadow. [*1641, 47.*] Liberty to paſs through propriety to fish & fowl

3. Every man of, or within this Juriſdiction, ſhall have free liberty (notwithſtanding any Civil Power) to remove both himſelf and his Family, at their pleaſure out of the ſame, Provided there be no legal impediment to the contrary. [*1641.*] Liberty to remove out of the Juriſdiction

LYING.

WHereas Truth in Words, as well as in Actions is required of all men, eſpecially of Chriſtians, who are the profeſſed Servants of the God of Truth; And whereas all Lying is contrary to Truth, and ſome ſort of Lies are not only ſinful (as all Lyes are) but alſo pernicious to the publick Weal, and injurious to particular perſons;

It is therefore Ordered by this Court and Authority thereof, That every perſon of the age, of diſcretion (which is accounted *fourteen years*) who ſhall wittingly and willingly make, or publiſh any Lye, which may be pernicious to the Publick Weal, or tending to the damage or injury of any particular perſon, or with intent to deceive and abuſe the People with falſe News and Reports, and the ſame duely proved in any Court, or before any one Magiſtrate (who hath hereby power granted to hear and determine all offences againſt this Law) ſuch perſon ſhall be fined for the firſt offence *ten ſhillings*, or if the party be unable to pay the ſame, then to be ſet in the Stocks, ſo long as the ſaid Court or Magiſtrate ſhall appoint in ſome open place, not exceeding two hours. Age of diſcretion 14 years. First offence 10.s or ſtocks.

For the ſecond offence in that kinde, whereof any ſhall be legally convicted, ſhall pay the ſum of *twenty ſhillings* or be whipped upon the naked Body, not exceeding *ten ſtripes*. Second offence 20.s or whip.

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For the ſecond offence in that kinde, whereof any ſhall be legally convicted, ſhall pay the ſum of *twenty ſhillings* or be whipped upon the naked Body, not exceeding *ten ſtripes*. Second offence 20.s or whip.

Third offence

Fourth offence

And for the third offence *forty ſhillings*, or if the party be unable to pay, then to be whipped with more ſtripes, not exceeding *fifteen.*

And if yet any ſhall offend in like kinde, and be legally convicted thereof, ſuch perſon Male or Female, ſhall be fined *ten ſhillings* a time more then formerly, or if the party ſo offending be unable to pay, then to be whipt with five or ſix more ſtripes then formerly, not exceeding *forty* at any time.

The aforeſaid fines ſhall be leavied, or ſtripes inflicted either by the Marſhal of that Juriſdiction, or Conſtable of the Town where the offence is committed, according as the Court or Magiſtrate ſhall direct.

And ſuch fines ſo leavied ſhall be paid to the Treaſury of the Shire where the cauſe is tryed.

Liberty to Appeal

If cauſeleſs doubly fined

And if any perſon ſhall finde himſelf grieved with the Sentence of any ſuch Magiſtrate out of Court, he may Appeal to the next Court of the ſame Shire, giving ſufficient ſecurity to proſecute his Appeal, and abide the Order of the Court, and if the ſaid Court ſhall judge his Appeal cauſeleſs, he ſhall be double fined, and pay the charges of the Court during his Action, or corrected by whipping as aforeſaid, not exceeding *forty ſtripes*, and pay the coſts of the Court, and party complaining or informing, and of the Witneſſes in the caſe.

Under age to be corrected by Parents

And for all ſuch as being under age of diſcretion, that ſhall offend in Lying contrary to this Order, their Parents or Maſters ſhall give them due correction, and that in the preſence of ſome Officer, if any Magiſtrate ſhall ſo appoint; Provided alwayes, that no perſon ſhall be barred of his juſt action of ſlander, or otherwiſe, by any proceeding upon this Order. [*1645.*]

MAN-SLAUGHTER.

A man may kill in his own defence

IT is Ordered by this Court and the Authority thereof; That if any perſon in the juſt and neceſſary defence of his life, or the life of any other, ſhall kill any perſon attempting to Rob or Murther in the Field or Highway, or to break into any dwelling houſe, if he conceive he cannot with ſafety of his own perſon otherwiſe take the Felon or Aſſailant, or bring him to Tryal, he ſhall be holden blameleſs. [*1647.*]

Maritime

MARITIME AFFAIRES.

WHereas through the Bleſſing of God upon this Juriſdiction, the Navigation and Maritime Affaires thereof, is grown to be a conſiderable Intereſt, the well management whereof, is of great concernment to the publick Weal; For the better Ordering the ſame for the future, and that there may be known Laws and Rules for all ſorts of perſons imployed therein, according to their ſeveral ſtations and capacities, and that there may be one Rule for the guidance of all Courts in their proceedings, in diſtributive Juſtice;

This Court doth Order, and be it Ordered by the Authority thereof;

SECT. I.

That whereas there is many times differences between Owners of Ships, Ketches, Barques and other Veſſels, in ſetting forth their ſeveral parts, whereby damage doth accrue to the particular concernment of Owners, and if not prevented, may be a great obſtruction of Trade, where there are ſeveral Owners concerned, as Owners in Ship, Ketch, Barque or other Veſſel whatſoever, uſed for Traffick, Commerce, Fiſhing, Logge, Board, Wood or Stone, Carriage upon Salt or Freſh-water, all ſuch Owners of leſſer part, ſhall be concluded for the ſetting forth of his part, by the major part of the whole concerned, ſuch Owners ſo concluded, having notice given them of the meeting for ſuch concluſion, if they be nigh hand; and in caſe of any Owner refuſing, or by reaſon of neglect or abſence, or not able to provide for the ſetting forth his part, the Maſter of ſuch Ship or Veſſel may take up upon the Bottome, for the ſetting forth of the ſaid part, the which being defrayed, the remainder of the income of ſuch part to be paid by the Maſter to the ſaid Owner.

Minor part of Owners to be concluded by the major part

SECT. II.

And in caſe of Fraightment, where any Owner ſhall refuſe to aſſent to the letting out of Ship or Veſſel, where he is intereſſed, ſuch diſſenter ſhall manifeſt it by ſome publick act of proteſt, before the ſigning of charter party, except the Maſter or the reſt of the Owners, or both, conceal from him or them their actings, then his or their proteſt after charter party ſigned by themſelves or agents, ſhall be taken for legal diſſent, yet not to hinder the proceed of the Ship or Veſſel, but that thoſe ſo ſending her forth

Owners refuſing to ſigne charter parts to make publick proteſt &c.

Third offence

Fourth offence

And for the third offence *forty ſhillings*, or if the party be unable to pay, then to be whipped with more ſtripes, not exceeding *fifteen.*

And if yet any ſhall offend in like kinde, and be legally convicted thereof, ſuch perſon Male or Female, ſhall be fined *ten ſhillings* a time more then formerly, or if the party ſo offending be unable to pay, then to be whipt with five or ſix more ſtripes then formerly, not exceeding *forty* at any time.

The aforeſaid fines ſhall be leavied, or ſtripes inflicted either by the Marſhal of that Juriſdiction, or Conſtable of the Town where the offence is committed, according as the Court or Magiſtrate ſhall direct.

And ſuch fines ſo leavied ſhall be paid to the Treaſury of the Shire where the cauſe is tryed.

Liberty to Appeal

If cauſeleſs doubly fined

And if any perſon ſhall finde himſelf grieved with the Sentence of any ſuch Magiſtrate out of Court, he may Appeal to the next Court of the ſame Shire, giving ſufficient ſecurity to proſecute his Appeal, and abide the Order of the Court, and if the ſaid Court ſhall judge his Appeal cauſeleſs, he ſhall be double fined, and pay the charges of the Court during his Action, or corrected by whipping as aforeſaid, not exceeding *forty ſtripes*, and pay the coſts of the Court, and party complaining or informing, and of the Witneſſes in the caſe.

Under age to be corrected by Parents

And for all ſuch as being under age of diſcretion, that ſhall offend in Lying contrary to this Order, their Parents or Maſters ſhall give them due correction, and that in the preſence of ſome Officer, if any Magiſtrate ſhall ſo appoint; Provided alwayes, that no perſon ſhall be barred of his juſt action of ſlander, or otherwiſe, by any proceeding upon this Order. [*1645.*]

MAN-SLAUGHTER.

A man may kill in his own defence

IT is Ordered by this Court and the Authority thereof; That if any perſon in the juſt and neceſſary defence of his life, or the life of any other, ſhall kill any perſon attempting to Rob or Murther in the Field or Highway, or to break into any dwelling houſe, if he conceive he cannot with ſafety of his own perſon otherwiſe take the Felon or Aſſailant, or bring him to Tryal, he ſhall be holden blameleſs. [*1647.*]

Maritime

MARITIME AFFAIRES.

WHereas through the Blessing of God upon this Jurisdiction, the Navigation and Maritime Affaires thereof, is grown to be a considerable Interest, the well management whereof, is of great concernment to the publick Weal; For the better Ordering the same for the future, and that there may be known Laws and Rules for all sorts of persons imployed therein, according to their several stations and capacities, and that there may be one Rule for the guidance of all Courts in their proceedings, in distributive Justice;

This Court doth Order, and be it Ordered by the Authority thereof;

SECT. I.

That whereas there is many times differences between Owners of Ships, Ketches, Barques and other Vessels, in setting forth their several parts, whereby damage doth accrue to the particular concernment of Owners, and if not prevented, may be a great obstruction of Trade, where there are several Owners concerned, as Owners in Ship, Ketch, Barque or other Vessel whatsoever, used for Traffick, Commerce, Fishing, Logge, Board, Wood or Stone, Carriage upon Salt or Fresh-water, all such Owners of lesser part, shall be concluded for the setting forth of his part, by the major part of the whole concerned, such Owners so concluded, having notice given them of the meeting for such conclusion, if they be nigh hand; and in case of any Owner refusing, or by reason of neglect or absence, or not able to provide for the setting forth his part, the Master of such Ship or Vessel may take up upon the Bottome, for the setting forth of the said part, the which being defrayed, the remainder of the income of such part to be paid by the Master to the said Owner.

Minor part owners to be concluded by the major part

SECT. II.

And in case of Fraightment, where any Owner shall refuse to assent to the letting out of Ship or Vessel, where he is interessed, such dissenter shall manifest it by some publick act of protest, before the signing of charter party, except the Master or the rest of the Owners, or both, conceal from him or them their actings, then his or their protest after charter party signed by themselves or agents, shall be taken for legal dissent, yet not to hinder the proceed of the Ship or Vessel, but that those so sending her forth

Owners refusing to signe charter party to make publick protest, &c.

ſhall be liable to reſpond his part upon enſurance according to the Cuſtome of Merchants, which enſurance is to be defalked out of that part of hire, due for ſuch owners which diſſented.

SECT. III.

Whereas Maſters of Ships or other Veſſels, have their Owners live part in one Country and part in another, whereby they have in themſelves not only oportunity; and ſome have made uſe thereof in their own perſons, to repreſent the major part of the Owners in the place where he comes;

Maſters to have but ſingle votes.

It is therefore Ordered, that ſuch Maſter ſhall not be taken to have Vote in the ordering of ſuch Veſſel further then his own intereſt, except he make it appear to the reſt of the Owners, where he is, that he is Authorized under the hands of ſuch Owners abſent, and then he is to have Votes according to the proportion of parts he ſo ſtands for, and the majority of parts are to carry it as before; nevertheleſs it is to be underſtood, that any Owner hath power to make ſale of his part, either to the reſt of the Owners, or others, as may be moſt to his own advantage, and if any Maſter ſhall preſume to act contrary hereunto, what damage ſhall be ſuſtained by the reſt of the Owners, the Maſter ſhall be liable to make good, it being duely proved againſt him.

SECT. IV.

Penalty of Maſters and Marriners non-attendance on board

All Maſters taking charge, as Maſters of Ships or other Veſſels, and not being ſufficient to diſcharge his place, or that through negligence, or otherwiſe, ſhall imbezel the Owners or Imployers Stock, or time, or that ſhall ſuffer his men to neglect their due attendance on board, both by day and night, eſpecially when or whileſt Merchants Goods are on board, and that Himſelf or Mate be not on board every night, to ſee good Orders kept, upon defect therein, ſuch Maſter ſhall be liable to pay the damage that ſhall accrue by ſuch neglect, it being duely proved againſt him.

SECT. V.

Maſters to make particular agreement with Seamen

For the Maſters better ſecuring their men to them, and to prevent all Coven, they ſhall make clear agreements with their Marriners, and Officers for their wages, and thoſe agreements enter into a Book, and take the ſeveral mens hands thereto, a copy whereof the Maſter as a Portlige Bill ſhall leave with their Owners if required of them, before their ſetting ſaile upon the Voyage, and all ſuch agreements, the Maſter ſhall make good to the Sea-men, and ſuch Ship or Veſſel as they ſaile in, ſhall be liable for to make good the ſame.

Sect.

SECT. VI.

All Maſters of greater or leſſer Veſſels, ſhall make due and meet proviſions of Victuals and Drink for their Sea-men, or Paſſengers, according to the laudable cuſtome of our Engliſh Nation, as the Cuſtome and Capacity of the places they ſaile from will admit, upon penalty of paying damages ſuſtained for neglect thereof.

Maſters to make due proviſions &c.

SECT. VII.

That no Maſter ſhall Ship any Sea-man or Marriner that is ſhipt before by another Maſter or Imployer upon a Voyage, nor ſhall any Sea-man ſhip himſelf to any other man, until he be diſcharged from him that ſhipt him firſt, upon penalty of him that entertains him to pay one months pay, that ſuch Sea-man agrees for, as alſo of ſuch Sea-man ſhipping himſelf to pay one months pay that he agrees for; the half thereof to be paid to the uſe of the poor of the Town or place where the offence is committed, the other half to the complainer or informer.

No Maſters to entertain Sea-men not diſcharged.

Nor Sea-men to enter themſelves till cleared &c.

SECT. VIII.

No Maſter of Ship or Veſſel ſhall ſaile into any Haven or Port, except neceſſitated thereunto by Wind or Weather, or for want of proviſion, or for ſecurity from Pirates, but ſuch Port as by charter party, or his Bill of Lading he is bound unto, until he hath delivered his Goods according to his engagement; and in caſe any Maſter ſhall take in goods for more Ports and Places then one, he ſhall declare himſelf ſo to do, to to thoſe that Fraight upon him, and in caſe he ſhall voluntarily go to any other Port or Harbour then he is obliged to as above; if damage to the Merchants goods happen thereby, ſuch Maſter ſhall make good the ſame, it being duely proved againſt him.

Maſters prohibited from ſailing into any Port but what bound to.

SECT. IX.

Any Maſter hired out or imployed by his Owners upon any Voyage, receiving advice from his imployers, that the alteration of the Voyage when they are abroad, may be much for their ſecurity and advantage, by going to ſome other port, the Maſter ſeeing meet to cloſe with that advice, the Marriners ſhall not hinder his proceed, unleſs where any of the Sea-men ſhall have made a particular contract with the Maſter to the Contrary,

Maſters may alter their voyages in caſe

Sea-mans Contracts to ſtand good

Provided that they be not carried to ſtay out above one year, nor be carried to any place where they may be liable to be preſſed into a ſervice they are not willing unto.

SECT. X.

Maſters to pay wages according to agreement.

Maſters ſhall ſee that their Officers and Marriners be duely paid their Wages according to agreement made with them, upon the finiſhing of their Voyage, without delay or trouble, upon penalty of paying damages for neglect, and all coſts that the Sea-men ſhall be at for recovering the ſame.

SECT. XI.

Whereas many times Maſters take in Merchants Goods on board their Ships or Veſſels upon Fraight, when yet they are not meetly fitted with ſuitable Tackling and Sea-men for the ſecurity of ſuch Ships or Veſſels, and Goods;

Maſters, Ships & Seamen to bear loſs of goods damnified by their neglect or want of Ground tacle

It is Ordered, That in caſe any Maſter of Ship or Veſſel, after he hath Laden upon his Ship or Veſſel any Merchants Goods to be tranſported, ſhall for want of ſufficient ground tackle (if to be had) or becauſe of want of ſufficient men being on board, come a ſhore to the damage of ſuch Merchants or Fraighters in their Goods, the Ship ſhall be liable to make good ſuch damages; and in caſe the defect appear to be in the Maſter and Men both, or either, the Owners ſhall recover ſuch damage from them.

SECT. XII.

Damage upon goods when Ships fall foul

Where any Ship-Maſter hath Mored his Ship or Veſſel, none other ſhall come ſo near to him firſt Mored as to do him damage, or receive damage by him, upon the penalty of him ſo comeing, to make good all the damage, and to be farther puniſhed if wilfulneſs or perverſeneſs in the action be proved againſt him.

SECT.

SECT. XIII.

In case any Master of Ship or Vessel under saile, shall run on board any other Ship or Vessel at an Anchor, and damnifie him, the party offending shall pay the damage; and such Ship or Vessel as he sailes in shall be liable to arrest for the making good the damage, the damage to be judged by indifferent men, appointed by the Judges thereof, unless the parties agree among themselves.

Masters Running on board any ship at Anchor, &c.

SECT. XIV.

In case of loss of Goods by reason of throwing some over board to ease the Vessel to save the rest, the Goods thrown over board, shall not be done without the Master and major part of the companies consent, or at least of the Officers with the Master, which Goods shall be brought into an Avarage, and the whole loss to be born by Ship, and Goods, and Wages in proportion that are saved. The like course shall be for cutting of Masts, and loss thereof, or Boats, Cables or Anchors, as also of Riggin and sailes, for the safety of the whole, the Merchants Goods are to bear a part of the loss.

Goods thrown over board by consent of Masters & Officers to be made good by an Avarage.

SECT. XV.

In case a Ship or Vessel, at setting forth, proves deficient, and gives over the Voyage, the Charges the Merchant hath sustained in Shipping and Landing his Goods, shall be born by the Master and Owners of such Vessel, that presumes to take Goods into an insufficient Bottom.

Damage by an insufficient bottome

SECT. XVI.

Any Ship or Vessel at Sea, receiving damage by the Masters or Marriners negligence, yet bringeth the Merchants Goods home, and delivereth them according to Bills of Lading, he shall receive his fraight, but if the Goods be damnified, the Master or Marriners shall make good the damage.

Damage at Sea

SECT. XVII.

Damage by ships breaking loose.

If any Ship or Veſſel in ſtorm, ſhall break looſe and fall upon another, and do her damage for want of ground tackle, the Ship breaking looſe ſhall make good the damage; but if it appear the Maſter, or Marriners, or both, are negligent of freſhing their Houſe, or clearing their Cables, they ſhall pay the damage for ſuch neglect.

SECT. XVIII.

Marriners abſent without leave

All Marriners being ſhipt upon a Voyage, and in pay, they ſhall duely attend the ſervice of the Maſters Ship or Veſſel for the Voyage, and not abſent themſelves day or night without leave from the Maſter, upon forfeit for every offence *five ſhillings*.

SECT. XIX.

Officers or marriners unruſineſs

No Officers or Marriners ſhall be diſorderly or unruly, to occaſion diſturbance in the Ship or other Veſſel he is ſhipped upon, to hinder or damnifie the Voyage, to be proved by the Maſter or other Marriners, or both, upon penalty of paying the damage if able, and in caſe of inability to pay, to ſuffer Corporal puniſhment, as the nature of the offence may appear to the Judges, and in caſe Maſter or Marriners ſhall conceal the offences of ſuch, and refuſe to give in evidences therein, they ſhall be amerced or impriſoned, as the Judges ſhall ſee meet.

SECT. XX.

Ignorant Pilots or Officers

If any ſhall undertake the charge of Pilot, Boat-ſwain, Gunner, or any other Office, in Ship or other Veſſel, and not be able to diſcharge the duty of the place, ſuch ſhall loſe their Wages in part or in whole, and be further puniſhed for their preſumption, as the Judges ſhall ſee meet.

Sect.

SECT. XXI.

All Marriners shall keep true Watch at Sea or in Harbour, as the Master shall appoint, upon pain of forfeit of *twelve pence* for every default, to be defalked out of their wages. Watch to be kept

SECT. XXII.

Any Marriner that hath entred upon a Voyage, and shall depart and leave the Voyage, shall forfeit all his wages, one half to the poor, the other half to the Master and Owners, and be further punished by Imprisonment or otherwise as the case may be circumstanced, to be judged by the Magistrate or Magistrates they are complained to, except such Seaman shall shew just cause for his so leaving the Voyage, and shall procure an Order therefore from Authority. Marriners deserting the Voyage

SECT. XXIII.

If any Marriner shall have received any considerable part of his wages, and shall run away from the Ship or Vessel he belongs to, and decline the service of the Master in the prosecution of the Voyage, he shall be pursued as a disobedient Run-away servant, and proceeded with as such a one. Runaway Marriners

SECT. XXIV.

If any Marriner shall entertain any Person or Persons on Board the Ship or Vessel he sailes in, without the Masters leave, or Masters or Marriners, shall do it at unseasonable times, he or they shall forfeit *twenty shillings*, one half to the Poor, the other half to the Owners. Marriners entertaining without Masters leave

SECT. XXV.

Outrage upon the Master

No Sea-man, or Sea-men, or Officer shall commit any outrage upon the Master of any Ship or Vessel, but those so offending shall be severely punished, by fine or other Corporal punishment, as the fact shall appear to be circumstanced to the Judges that shall hear it, and as they shall judge meet; If any Officers or Marriners shall combine against the Master, whereby the Voyage shall be diverted or hindred, or that damage thereby shall accrue to the Ship and Goods, they shall be punished with loss of Wages, or otherwise as mutiniers, as the case may require.

SECT. XXVI.

Ships in distress not to be left

In case any Ship or Vessel be in distress at Sea, by Tempest or other accident, the Marriners shall do their utmost endeavour to assist the Master in saving Ship and Goods, and not desert him without apparent hazard appear, that by their staying they may lose their lives.

SECT. XXVII.

Marriners to do their utmost in Shipwrack to save the Goods

And in case of suffering Shipwrack, the Marriners are without dispute upon their getting on shore, to do their utmost endeavours to save the Ship or Vessel, Tackle and Apparel, as also the Merchants Goods as much as may; out of which they shall have a meet compensation for their hazard and pains; and any upon conviction of negligence herein shall be punished.

Marriages and Married Persons.

IT is Ordered by this Court and Authority thereof; That no man shall strike his Wife, nor any Woman her Husband, on penalty of such fine not exceeding *ten pounds* for one offence, or such Corporal punishment as the County Court shall determine. *L. 2 p. 17.*

2. *For prevention of all unlawful Marriages;*

It is Ordered, That henceforth no person shall be joyned in Marriage, before the intention of the parties proceeding therein, hath been three times published, at some time of publick Lecture or Town-meeting, in both the Towns where the parties or either of them do ordinarily reside, or be set up in Writeing upon some post of their Meeting house door in publick view, there to stand so as it may easily be read, by the space of *fourteen dayes.* [1639.] Three times published or posted 14 dayes

3. *And whereas God hath committed the care and power into the hands of Parents for the disposing their Children in Marriage, so that it is against Rule to seek to draw away the affections of young Maidens, under pretence of purpose of Marriage, before their Parents have given way and allowance in that respect; And whereas it is a common practise in divers places, for young men irregularly and disorderly to watch all advantages for their evil purposes, to insinuate into the affections of young Maidens, by comeing to them in places and seasons unknown to their Parents for such ends, whereby much evil hath grown amongst us, to the dishonour of God, and damage of parties; For prevention whereof for time to come;*

It is further Ordered, That whatsoever person from henceforth, shall endeavour directly or indirectly, to draw away the Affection of any Maid in this Jurisdiction, under pretence of Marriage, before he hath obtained liberty and allowance from her Parents or Governours (or in absence of such) of the neareſt Magistrate, he shall forfeit for the first offence *five pounds*, for the second towards the party *ten pounds*, and be bound to forbare any further attempt and proceedings in that unlawful design, without or against the allowance aforesaid; And for the third offence upon information or complaint by such Parents or Governours to any Magistrate, giving Bond to prosecute the party, he shall be committed to prison, and upon hearing and Conviction by the next Court, shall be adjudged to continue in Prison, until the Court of Assistants shall see cause to release him. [1647.] No motion of Marriage to be made to any maid without consent of Parents Penalty 5 li.

4. *Whereas divers persons, both Men and Women, living within this Jurisdiction, whose Wives and Husbands are in England, or else where, by means whereof, they live under great temptations here, and some of them committing lewdness and filthiness here amongst us, others make love to Women and attempt Marriage, and some have attained it, and some of them live under suspition of uncleanness, and all to the great dishonour of God, reproach of Religion, Common-wealth and Churches;*

It is therefore Ordered by this Court and Authority thereof, for the prevention of all such future evils, That all such married persons as aforesaid, shall repair to their said Relations by the first oportunity of shipping, upon the pain or penalty of *twenty pounds*, except they can shew just cause to the contrary to the next County Court, or Court of Assistants, after they are Summoned by the Married persons to go to their relations on pain of 20 li.

Conſt. to preſent ſuch to Court

Conſtable there to appear, who are hereby required ſo to do, upon pain of *twenty ſhillings* for every ſuch default wittingly made:

Provided this Order do not extend to ſuch as are come over to make way for their families, or are in a tranſient way, only for Traffick or Merchandize for ſome ſmall time. [*1647.*]

5. *As the Ordinance of Marriage is honourable amongſt all, ſo ſhould it be accordingly ſolemnized;*

Who may ſolemnize Marriage

It is therefore Ordered by this Court and Authority thereof; That no perſon whatſoever in this Juriſdiction, ſhall joyn any perſons together in Marriage, but the Magiſtrate, or ſuch other as the General Court, or Court of Aſſiſtants ſhall Authorize in ſuch place, where no Magiſtrate is near.

Nor ſhall any joyn themſelves in Marriage, but before ſome Magiſtrate or perſon Authorized as aforeſaid.

Not before publication

Nor ſhall any Magiſtrate or other perſon Authorized as aforeſaid, joyne any perſons together in Marriage, or ſuffer them to joyne together in Marriage in their preſence, before the parties to be Married have been publiſhed according to Law. [*1646.*]

IN Anſwer to the Queſtion; *Whether it be lawful for a Man that hath buried his firſt Wife, to Marry with her that was his firſt Wives natural Siſter?* The Court reſolves it on the Negative. [*1679.*]

MARSHAL.

L. 1. p. 38, 57.

IT is Ordered by this Court and Authority thereof; That every Marſhal ſhall diligently and faithfully Collect and Leavy all ſuch fines and ſums of Money, of every perſon for which he ſhall have Warrant from the reſpective Treaſurers, or other Authority, which he ſhall return to the ſaid Treaſurer with all convenient ſpeed, upon penalty of forfeiting *two ſhillings* out of his own Eſtate, for every Pound not Collected or Returned as aforeſaid, or ſuch fine as any Court ſhall impoſe upon him for his neglect.

Marſhal to leavy all Fines

To ſerve all Executions

2. And every Marſhal ſhall with all ſpeed and faithfulneſs Leavy the Goods of every perſon for which he ſhall have Warrant, by virtue of any Execution granted and ſigned by the Secretary, or other Clerk Authorized thereunto; and the ſaid Goods ſo Leavied, ſhall with all convenient ſpeed, deliver to the Party or Attorney that obtained the Judgement and Execution, or be liable to make full ſatisfaction to the party for all damage ſuſtained by his neglect.

To return Execution to the Clerk.

And the ſaid Marſhal ſhall within two Months after the receipt of any ſuch Execution, make Return of the ſaid Execution, with what he hath done by virtue thereof under his hand to the Clerk that granted the ſame,

to

to be by him kept and Recorded; and if the Execution be not fully ſatisfied, the ſaid Clark ſhall at the requeſt of the party, grant Execution for the remainder.

And every Marſhal neglecting to make return of Executions as aforeſaid, ſhall forfeit double to the damage any perſon concerned therein may ſuſtain by ſuch neglect.

3. Further the ſaid Marſhals ſhall with like care and faithfulneſs, ſerve all Attachments directed to them, and return the ſame to the Courts to which they are returnable at the times of the returns thereof, and henceforth no Marſhal ſhall be Clerk or Recorder of any Court. *L. 1. p. 58.* Marſhal not to be Clerk.

4. And it is hereby Ordered, That the Marſhals Fees ſhall be *twelve pence in the pound*, to be paid by the reſpective Treaſurers, for all fines leavied by the ſaid Marſhals, and returned to the ſaid Treaſurers, and for ſerving Attachments within one mile *one ſhilling three pence*, to be paid by the party that imploys them; and for ſerving Executions *twelve pence in the pound*, for all ſums not exceeding *ten pounds*, and for all ſums above *ten pounds* and not exceeding *forty pounds*, *ſixpence in the pound more*, and for all ſums above *forty pounds*, and not exceeding *one hundred pounds*, *threepence in the pound more*, and *one penny in the pound more* for all ſums above *one hundred pounds*, out of the Eſtate of the perſon the Execution is ſerved upon, over and above for the execution. *L. 2. p. 7.* Marſhals Fees.

And in all caſes, where the aforeſaid Fees for Leavying Executions or Fines, will not anſwer the Marſhals travail, and other neceſſary charges, the Marſhal or other Officer imployed, ſhall have power to demand *ſix pence* per mile, and upon refuſal, to Leavy the ſame together with his other Fees.

5. And it is Ordered, That all Marſhals and Conſtables within this Juriſdiction, ſhall henceforth from time to time, allow and pay unto the Marſhal General *three pence* out of every *fifteen pence* they receive for ſerving Attachments, alſo *three pence* out of every *ſhilling* due to them, for Leavying of Fines and Executions. *A. 53. p. 26*

And it is further Ordered, That the ſaid Marſhal General, ſhall from time to time have, and enjoy to his own uſe and benefit, the Cuſtome of *two pence per quart* upon all ſuch as do, or ſhall Retail ſtrong waters, and all ſuch as ſhall ſell under one Gallon at a time, ſhall be accounted Retailers, whether Licenſed or not, and the one half of the fine of *five pounds* of all ſuch perſons as ſhall upon his information or complaint be convicted to have ſold ſtrong waters without Liccenſe; as alſo the ſole benefit of the Impoſt of all ſtrong waters brought into the Country, which this Court doth allow as a meet Incouragement and Sallary for the ſervice of the ſaid Marſhal General. Marſhal General his Fees.

6. *Whereas the Marſhals and their Deputies have often need of Aſſiſtants in the execution of their Office*; *B. 1. p. 10.*

It is Ordered that they and every of them, have and ſhall have the ſame power to enjoyne and charge any perſon to aid them and aſſiſt them therein as every Conſtable hath, and whoſoever ſhall refuſe, or not yield Obedience thereto, ſhall incur the like penalty that thoſe do or ſhould do, that Refuſe to aid the Conſtable in his Office. Marſhal may require aid as the Conſtable may.

7. And upon caſes of Fines and Aſſeſsments to be Leavied, and upon Executions *L. 1. p. 45.*

Officer may break open doors or cheits

Execution in civil Actions, the Marshal or other Officer shall demand the same of the party at his house or place of usual abode, and upon refusal or non-paiment, he shall have power (calling assistance if he see cause) to break open the door of any House, Cheſt, or place where he shall have notice, that any Goods liable to such Leavie or Execution shall be, and if he be to take the person, he may do the like, if upon demand he shall refuse to render himself.

Necessary charges to be leavied

8. And what ever charges the Officer shall necessarily be put unto, upon any such occasion, he shall have power to leavie the same as he doth the Debt, Fine or Execution, and where the Officer shall leavie any such Goods upon Execution, as cannot be conveyed to the place where the party dwells, for whom such Execution shall be leavied without considerable charge; he shall leavie the said charge also with the Execution.

Goods exempt from Execution.

The like Order shall be observed in leavying of fines, Provided, it shall not be lawful for such Officer to leavie any mans necessary Bedding, Apparel, Tools, or Arms, neither Implements of House hold, which are for the necessary upholding of his life, but in such cases, he shall leavie his land or person according to Law, and in no case shall the Officer be put to seek out any mans estate further then his place of abode, but if the party will not discover his Goods or Lands, the Officer may take his person.

Officer doing wrong to make satisfaction

9. And it is Ordered, That if any Officer shall do injury to any by colour of his Office, in these or any other cases, he shall be liable upon complaint of the party wronged, by Action or information, to make full restitution. [*1647.*]

Masters, Servants, Labourers.

Servants not to give or truck

IT is Ordered by this Court and the Authority thereof; That no servant either Man or Maid, shall either give, sell or truck any Commodity whatsoever without License from their Masters, during the time of their service, under pain of fine, or corporal punishment, at the discretion of the Court as the offence shall deserve.

Work the whole day.

2. And that all Workmen, shall work the whole day, allowing convenient time for food and rest.

Servants run away to be pursued.

3. It is also Ordered, That when any Servants shall run from their Masters, or any other Inhabitants shall privily go away with suspition of evil intentions, it shall be lawful for the next Magistrate or the Constable and two of the chief Inhabitants where no Magistrate is, to press Men and Boats or Pinnaces at the publick charge, to pursue such persons by Sea and Land, and bring them back by force of Arms.

4. It is also Ordered by the Authority aforesaid; That the Freemen of

of every Town, may from time to time as occaſion ſhall require, agree amongſt themſelves about the prizes and rates of all workmens labour, and ſervants wages. And every perſon inhabiting in any Town, whether Workmen, Labourer or Servant, ſhall be bound to the ſame Rates, which the ſaid Freemen, or the greater part ſhall binde themſelves unto, and whoſoever ſhall exceed thoſe Rates ſo agreed, ſhall be puniſhed by the diſcretion of the Court of that Shire, according to the quality and meaſure of the offence; And if any Town ſhall have any cauſe of complaint againſt the Freemen of any other Town, for allowing greater Rates or wages then themſelves, the County Court of that Shire ſhall from time to time, ſet order therein.

Wages to be ſet by the Freemen in Towns

5. *And for ſervants and workmens wages*;

It is Ordered, That they may be paid in Corn, to be valued by two indifferent Freemen choſen, the one by the Maſter the other by the Servant or Workman, who alſo are to have reſpect to the value of the work or ſervice, and if they cannot agree, then a third man ſhall be choſen by the next Magiſtrate, or if no Magiſtrate be in the Town, then by the next Conſtable, unleſs the parties agree the price themſelves; Provided, if any Servant or Workmen agree for any particular payment, then to be paid in ſpecie, or conſideration for default therein; And for all other payments in Corn, if the parties cannot agree, they ſhall chooſe two indifferent men, and if they cannot agree, then a third as before.

Wages to be paid in Corn

to be valued

6. It is Ordered, and by this Court Declared; That if any Servant ſhall flee from the Tyrany and Cruelty of his or her Maſter, to the Houſe of any Freeman of the ſame Town, they ſhall be there protected and ſuſtained till due order be taken for their Relief; Provided due notice thereof be ſpeedily given to their Maſter from whom they fled, and to the next Magiſtrate or Conſtable where the party ſo fled is Harboured.

Servants flying cruelty of Maſt. may be harboured

7. Alſo that no Servant ſhall be put off for above a year to any other, neither in the life time of their Maſter, nor after their death by their Executors or Adminiſtrators, unleſs it be by conſent of Authority aſſembled in ſome Court, or two Aſſiſtants, or otherwiſe all, and every ſuch Aſſignement to be void in Law.

Servants not put off without allowance of 2 Mag.

8. And if any man ſmite out the Eye or Tooth of his Man-ſervant or Maid-ſervant, or otherwiſe maim or much diſfigure them (unleſs it be by meer caſualty) he ſhall let them go free from his ſervice, and ſhall allow ſuch further Recompence as the Court ſhall adjudge him.

Servants maimed to be diſcharged

9. And all ſervants that have ſerved diligently and faithfully, to the benefit of their Maſters, Seven years, ſhall not be ſent away empty; And if any have been unfaithful, negligent or unprofitable in their ſervice, notwithſtanding the good uſage of their Maſters, they ſhall not be diſmiſſed, till they have made ſatisfaction according to the judgement of Authority.

Faithfull ſervants reward

unfaithful puniſhed

[*1630, 33, 35, 36, 41.*]

Officer may break open doors or cheits

Execution in civil Actions, the Marshal or other Officer shall demand the same of the party at his house or place of usual abode, and upon refusal or non-paiment, he shall have power (calling assistance if he see cause) to break open the door of any House, Cheſt, or place where he shall have notice, that any Goods liable to such Leavie or Execution shall be, and if he be to take the person, he may do the like, if upon demand he shall refuse to render himself.

Necessary charges to be leavied

8. And whatever charges the Officer shall necessarily be put unto, upon any such occasion, he shall have power to leavie the same as he doth the Debt, Fine or Execution, and where the Officer shall leavie any such Goods upon Execution, as cannot be conveyed to the place where the party dwells, for whom such Execution shall be leavied without considerable charge; he shall leavie the said charge also with the Execution.

Goods exempt from Execution.

The like Order shall be observed in leavying of fines, Provided, it shall not be lawful for such Officer to leavie any mans necessary Bedding, Apparel, Tools, or Arms, neither Implements of House-hold, which are for the necessary upholding of his life, but in such cases, he shall leavie his land or person according to Law, and in no case shall the Officer be put to seek out any mans estate further then his place of abode, but if the party will not discover his Goods or Lands, the Officer may take his person.

Officer doing wrong to make satisfaction

9. And it is Ordered, That if any Officer shall do injury to any by colour of his Office, in these or any other cases, he shall be liable upon complaint of the party wronged, by Action or information, to make full restitution. [*1647.*]

Masters, Servants, Labourers.

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Work the whole day.

2. And that all Workmen, shall work the whole day, allowing convenient time for food and rest.

Servants run away to be pursued

3. It is also Ordered, That when any Servants shall run from their Masters, or any other Inhabitants shall privily go away with suspition of evil intentions, it shall be lawful for the next Magistrate or the Constable and two of the chief Inhabitants where no Magistrate is, to press Men and Boats or Pinnaces at the publick charge, to pursue such persons by Sea and Land, and bring them back by force of Arms.

4. It is also Ordered by the Authority aforesaid; That the Freemen of

of every Town, may from time to time as occaſion ſhall require, agree amongſt themſelves about the prizes and rates of all workmens labour, and ſervants wages. And every perſon inhabiting in any Town, whether Workmen, Labourer or Servant, ſhall be bound to the ſame Rates, which the ſaid Freemen, or the greater part ſhall binde themſelves unto, and whoſoever ſhall exceed thoſe Rates ſo agreed, ſhall be puniſhed by the diſcretion of the Court of that Shire, according to the quality and meaſure of the offence; And if any Town ſhall have any cauſe of complaint againſt the Freemen of any other Town, for allowing greater Rates or wages then themſelves, the County Court of that Shire ſhall from time to time, ſet order therein.

Wages to be ſet by the Freemen in Towns

5. *And for ſervants and workmens wages*;

It is Ordered, That they may be paid in Corn, to be valued by two indifferent Freemen choſen, the one by the Maſter the other by the Servant or Workman, who alſo are to have reſpect to the value of the work or ſervice, and if they cannot agree, then a third man ſhall be choſen by the next Magiſtrate, or if no Magiſtrate be in the Town, then by the next Conſtable, unleſs the parties agree the price themſelves; Provided, if any Servant or Workmen agree for any particular payment, then to be paid in ſpecie, or conſideration for default therein; And for all other payments in Corn, if the parties cannot agree, they ſhall chooſe two indifferent men, and if they cannot agree, then a third as before.

Wages to be paid in Corn

to be valued

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Servants flying cruelty of Maſt. may be harboured

7. Alſo that no Servant ſhall be put off for above a year to any other, neither in the life time of their Maſter, nor after their death by their Executors or Adminiſtrators, unleſs it be by conſent of Authority aſſembled in ſome Court, or two Aſſiſtants, or otherwiſe all, and every ſuch Aſſignement to be void in Law.

Servants not put off without allowance of a Mag.

8. And if any man ſmite out the Eye or Tooth of his Man-ſervant or Maid-ſervant, or otherwiſe maim or much diſfigure them (unleſs it be by meer caſualty) he ſhall let them go free from his ſervice, and ſhall allow ſuch further Recompence as the Court ſhall adjudge him.

Servants maimed to be diſcharged

9. And all ſervants that have ſerved diligently and faithfully, to the benefit of their Maſters, Seven years, ſhall not be ſent away empty; And if any have been unfaithful, negligent or unprofitable in their ſervice, notwithſtanding the good uſage of their Maſters, they ſhall not be diſmiſſed, till they have made ſatisfaction according to the judgement of Authority.

Faithful ſervants reward

unfaithful puniſhed

[*1630, 33, 35, 36, 41.*]

MALT.

A. 52. p. 12. IT is Ordered, That no Malſter or maker of Malt, ſhall henceforth deliver or paſs away any Malt by him or his procurement made before it be cleanſed from the duſt and taile, which ariſeth in the Malting, drying and ordering it in his hands, on penalty of *twelve pence per Buſhel*, upon conviction before any Magiſtrate or Court, the one half to the Informer, the other half to the Country.

Malt to be cleanſed from duſt

A. 55. *This Court taking into ſerious conſideration the great neceſſity of upholding the ſtaple Commodities of this Country, for the ſupply and ſupport of the Inhabitants thereof, and finding by experience the bringing in of Malt, Wheat, Barly, Biſket, Beef, Meal and Flower, (which are the principal Commodities of this Country) from forreign parts, to be exceeding prejudicial to the ſubſiſtance of this place and people here;*

No Malt, Wheat, Biſket, Beef to be brought on penalty of confiſcation

Have therefore Ordered; That no perſon whatſoever, either Inhabitant or Stranger, ſhall directly or indirectly after the firſt of March next, import into this Juriſdiction from any part of *Europe*, any of the aforeſaid Proviſions, under the penalty of Confiſcation of the ſame (except it be for the Ships proviſions) that ſhall be ſo imported, landed, ſet to ſaile or otherwiſe diſpoſed, contrary to the intent of this Order.

Marſhal or Conſtable to ſeize it.

And it is further Ordered and Enacted, That all Marſhals and Conſtables where no Maſhal is in the ſeveral Towns in this Juriſdiction, are hereby required and impowred to make diligent ſearch, within their reſpective Towns and Harbours where any ſuch Proviſions are Landed, Sold or otherwiſe diſpoſed of, and to make ſeizure of the ſame for the uſe of the Country, for which each and every Marſhal and Conſtable ſhall have allowed them, one fourth part of what ſhall be ſo ſeized, for their care and pains herein.

The fourth part for their pains

And all former Laws concerning Impoſt upon any of the Proviſions aforeſaid, are hereby Repealed. [*1652, 55.*]

Repealed IT is Ordered, That the Law prohibiting bringing in of Malt from forreign parts is Repealed, ſo far as it reſpecteth the Importation of Malt.

Mills, Millers.

Millers Toll

To have weights

IT is Ordered by this Court and the Authority thereof, That no Miller ſhall take above one ſixteenth part of the Corn he grindes; and that evey Miller ſhall have alwayes ready in his Mill, Weights and Scales, provided at his own charge, to weigh Corn to and from Mill if men deſire it. [*1635. 38.*]

Military.

MILITARY.

Forasmuch as the well ordering of the Militia is a matter of great concernment to the safety and welfare of this Common-wealth;

It is Ordered by this Court and the Authority thereof; That the Military forces of *Suffolk*, *Middlesex* and *Essex*, shall be under the command of the Serjeant Majors Chosen in each County; and that the Militia of *Norfolk* shall be commanded by the Major of the Regiment of *Essex*, Provided the said Militia be not drawn out of the said County to any Regimental exercise: And if any of the said Majors be removed or discharged their places, the Major General for the time being, shall within one Moneth at furtheſt after such change, send forth his Warrant to each Town in the Shire, to make choice of a Major in manner following, *viz.* The Freemen, Housholders, and such Souldiers as have taken the Oath of Fidelity, before the *fifteenth* of *May*, [*1656.*] and no other, being met together in their Respective Towns (by virtue of such Warrant from the Major General, or from the General Court) shall give in their Votes for such a person as they judge fit for the Office of Serjeant Major of that Regiment, which Votes shall be sealed up by the chief Military Officer of the place, or by the Constable (as the Warrant shall direct,) and sent by some Freeman, chosen by the Town, to carry them to the Shire Town of that County, at such time as the Warrant shall direct, where the said Votes shall be opened and numbred in the presence of one or two of the neareſt Magistrates and the said Freemen, and he that shall have the greater number of Votes being a Freeman, shall be presented by one of the said Magistrates unto the Major General, within one Week after such Election, who shall by giving the Oath accustomed, and delivering him a Commission, Instal and Confirm such Serjeant Major in his place.

Militia commanded by Majors

L. 2. p. 12.

A. 56. p. 12.

Majors how and by whom chosen

2. And every Serjeant Major is hereby Ordered and Required, once in *three years* to draw his Regiment, both Horse and Foot, in one convenient place in the County, and to Instruct and Exercise the Officers and Souldiers in Military Discipline, according to his best skill and ability; for which service he shall have *twenty pounds* allowed him out of the Treasury of the Country for his pains and charges, for every such Meeting: Also every Serjeant Major, may as often as he shall see cause send his Warrants to require the chief Officer of each Company in his Regiment, to meet at such time and place as he shall appoint, and there with them to confer, and give in command such Orders as shall by them be judged meet for the better Ordering and Setling the particular Companies in Military Exercises; and to impose fines and penalties upon such Delinquents as have not given satisfaction to their Captain or chief Officer, for all defects either in their Arms, Amunition, Appearances, Watches, Offences, &c.

Regimental meetings once in three years

Meeting of the Officers of the Regiment

And the Serjeant Major shall with the consent of the said Officers, give Order to the Clerks of the several Companies, to take distress for the same within one Moneth after such Order.

3. *And for the ſettling particular Military Officers in every town of this Juriſdiction;*

Nomination of Officers of companies

It is Ordered, that every Freeman, Houſe-holder and liſted Souldier, having taken the Oath of Fidelity as aboveſaid, (and no other) ſhall have liberty to give his Vote for the Nomination of Military Officers of that Town or Company where he dwells; Provided they be Freemen, and all perſons ſo Nominated ſhall be preſented to the Court of that County, to be allowed and confirmed in their reſpective Offices, unleſs the ſaid Court ſhall ſee cauſe to the contrary; and no perſon ſhall be acknowledged or accepted as an Officer of any Company without the allowance and approbation of the County Court firſt had and obtained.

To be allowed by the County Courts

A. 53. p. 13.

4. And in every Town where there is *ſixty four* Souldiers (liable to attend conſtant Training) beſides the Officers, ſuch number of Souldiers ſhall be accounted a Foot Company, and have liberty of Nomination of all the Officers of a Foot Company, and ſhall have two Drums.

64 Soldiers to be a Company

And in ſmaller Towns, where there ſhall be a leſs number then *ſixty four* as aforeſaid, they ſhall have liberty of Nomination of Serjeants, and other inferiour Officers only, to teach and inſtruct them in the exerciſe of Arms.

And the Major of the Regiment ſhall have power to Order and Regulate the ſmaller Towns, and to joyn them into one compleat Company, (as occaſion may require) which ſhall have liberty of choice of all Officers as aforeſaid. And every Captain, Lieutenant and Enſign, ſhall have Commiſſion from the General Court, for the holding of their places, and exerciſe of their duties.

Capt. Lieu. Enſi. to have commiſ.

5. The ſaid Military Officers of every Company, ſhall take care that their Souldiers be well and compleatly Armed, and ſhall appoint what Arms every Souldier ſhall ſerve with; Provided two thirds of each Company be Muſquetiers, and thoſe which ſerve with Pikes, have Corſlets and Head-peices: And they ſhall exerciſe their Souldiers Six dayes every year, when the Captain or chief Officer ſhall appoint, by giving publick warning thereof, three or four dayes before the day of Exerciſe; Provided, that ſo many dayes as ſhall be expended by Order of the Major of the Regiment, in the Exerciſe of the Regiment, and in marching to and from the place of Exerciſe, ſhall be accounted as part of their ſix dayes.

Capt. to appoint the Sould. Arms

To exerciſe 6 dayes yearly

6. Alſo the three chief Officers of each Company, ſhall have power to puniſh ſuch Souldiers, as ſhall commit any diſorder or contempt upon any day or time of Military Exerciſe, or upon any Watch or Ward, by Stocks, Bilboes, or any other uſual Military puniſhment, or by fine, not exceeding *twenty ſhillings*, or may commit ſuch Offender to the Conſtable, to be carried before ſome Magiſtrate, who may binde him over to the next Court of that Shire, if the cauſe ſo require, or commit him to Priſon

3 chief Offic. to puniſh diſorders of Souldiers

7. Every Foot Souldier ſhall be compleatly Armed and Furniſhed, the Pike-man with a good Pike well headed, Corſlet, Head-peice, Sword and Snapſack; the Muſquetiers with a good fixed Muſquet, not under Baſtard Muſquet Bore, nor under three foot nine inches in length, nor above four foot three inches long, with a Priming wire, Worm, Scourer, and Mould, fitted to the Bore of his Muſquet, alſo with a good Sword, Reſt,

Souldiers how to be armed

Rest, Bandeliers, one pound of Powder, twenty Bullets, and two fathom of Match, upon the penalty of *ten shillings* for every defect; And all other Inhabitants of this Jurisdiction, except Magistrates and Elders of Churches, the President, Fellows and Students of *Harvard Colledge*, shall alwayes be provided of Arms, and furnished as aforesaid, under the penalty aforesaid.

Souldiers how to be Armed on penal. of 10.s and other inhabitants

8. And if any person cannot procure Arms or Amunition, with such means as he hath, if he shall bring to the Clerk so much Corn as by apprizement of the said Clerk and two other indifferent men (whereof one to be chosen by the party) shall be adjudged of greater value by a fifth part then such Arms or Amunition is of, he shall be excused of the penalty for want of Arms until he be provided; And the Clerk shall endeavour to furnish him so soon as may be by sale of such Goods so disposited, rending the party the overplus.

Wanting Arms, to carry pay to Clerk to provide

But if any person shall not be able to provide himself Arms and Amunition, through meer poverty, if he be single, he shall be put to service by some Magistrate, or the Constable shall provide him Arms and Amunition, and shall appoint him when and with whom to earn it out.

Poor how to be furnished with Arms

9. Every person above the age of sixteen years, shall duely attend all Military Exercise and Service, as Training, Watching, Warding, under the penalty of *five shillings* for every fault, except Magistrates, Deputies and Officers of Court, Elders and Deacons, the President, Fellows, Students and Officers of *Harvard Colledge*, and professed School-masters, Physitians and Chyrurgeons allowed by two Magistrates, Treasurers, Surveyor General, Publick Notary, Masters of Ships and other Vessels above twenty Tuns, Fishermen constantly imployed at all fishing seasons, constant Herdsmen and such other as for bodily infirmity or other just cause, shall by any County Court, or Court of Assistants (after notice of the parties desire to the chief Officer of the Company to which he belongs) be discharged; also one servant of every Magistrate and Teaching Elder, and the Sons and Servants of the Major General for the time being, also such as dwell at remote Farms, or have a Ferry to pass, shall be exempt from Watching in the Town, but shall Watch and Ward as their chief Officer shall direct otherwise; and all Farms distant above four miles from the place of exercising the Company, or have a Ferry to pass over, that have above twenty Acres of Land in Tillage, and twenty Head of great Cattle upon such Farm, shall upon reasonable allowance to the Company, have one man exempted from ordinary Trainings.

A. 52. p. 13.

Persons exempt from Training

A. 56. p. 12.

A. 53.

10. And it is Ordered, That in every Town or Company there shall be chosen (as other Military Officers are chosen) a discreet able man to be Clerk of the Band, and if any shall refuse to accept the place, or to take his Oath, he shall pay to the use of the Company *forty shillings* and the Company shall chuse another, and all that refuse the place or Oath as aforesaid, shall pay *forty shillings* a piece, till one doth accept the place, and he that doth hold the place, shall have a fourth part of the fines for his labour. And the Clerk shall upon every Training day twice, once in the forenoon, as also in the afternoon, at such time as the Captain or chief Officer then in the field shall appoint, call or cause to be called over, the Lists of the names of all the Souldiers, and shall give attendance in the Field all the day (except he have leave from his Captain or chief Officer) to take notice of any defect by absence of Souldiers or other offences that may fall out in time of Exercise.

Clerk of the Band

To call a Roll & attend on training days

To view the Arms

And the ſaid Clerk ſhall twice every year view all Arms and Amunition of the Company, and take notice that every Souldier be furniſhed according to this Law; to which end, by direction of the chief Officer, he ſhall give notice to the Souldiers, that upon ſuch a Training day appointed, they are required to bring (in the forenoon) all their Arms and Amunition into the field, where they ſhall be approved or diſallowed by the judgement of the ſaid chief Officer then in the field; And further the ſaid Clerk ſhall once in the year at leaſt, Survey the Arms of all other Inhabitants, and ſee that all (except as before excepted) be provided in their Houſes with Arms and Amunition, and upon every occaſion, he is required to uſe all diligence to view every mans Arms, whether they be compleatly furniſhed with all Arms and Amunition as the Law requireth.

Give notice to the Captain of all defects

to diſtrein within ten dayes

And the ſaid Clerk ſhall within one week after any default made, or defect obſerved, preſent a Liſt of the Names of all that are Delinquent, and of their defects to the Captain or chief Officer of the Company: and ſhall without partiality demand and receive all fines due for ſuch defects, according to this Law; which if any ſhall refuſe to pay, he ſhall make diſtreſs upon the Goods of ſuch perſons, as ſhall not within *ten dayes* after their default be diſcharged, or have their fines mitigated by the Captain or chief Officer of the Company, unleſs the ſaid chief Officer ſhall ſee cauſe to refer the Judgement and Determination of ſuch default to the Major and chief Officer of the Regiment at their meeting.

To diſpoſe of fines for the uſe of the Company

And the Clerk ſhall with the advice of the chief Officers of the Company, ſpeedily lay out all fines received or leavied, in *Enſigne, Drums, Halberts, Candle and Wood for the Watch*, or provide *Powder and Arms* for the poorer ſort, or otherwiſe as in their diſcretion they ſhall judge meet, for the uſe of the Company.

11. *And for the better ordering the Militia in the ſeveral Towns, in caſes of any ſuddain exigent;*

A. 52. p. 14. & 53.

It is Ordered, That there be a Committy of Militia in every Town, and that the Committy of Militia in *Boſton*, ſhall conſiſt of the Magiſtrates living in the Town, the chief Officer of the Horſe, if living in Town, and the chief Officer of each company of Foot, or the greateſt part of them, and in ſuddain exigents, any three of them may act when due means being uſed a greater number cannot be aſſembled; which Committy ſhall have a Commiſſion, who ſhall alſo have power to appoint a Military Watch, when they ſhall ſee cauſe, for the ſafety of the Town and Country; And *Charlſtown, Salem* and *Ipſwich* ſhall have the like Committy of Militia, who ſhall have like power by Commiſſion: and for all other Towns where there is one or more Magiſtrates, the ſaid Magiſtrate or Magiſtrates, with the three chief Military Officers; and where no Magiſtrate dwels, the Deputy or Deputies of the General Court, with the three chief Officers of ſuch Town, or any three of them, ſhall be the Committy of Militia for ſuch Town, and have power in all ſuddain exigents, to order and diſpoſe the Militia of their Town, for their own ſafety and defence, till further Order be taken, and upon Alarm, or any Invaſion, to ſtrengthen their quarters, and to hinder any approaching or aſſailing them in a way of Hoſtility, by bearing Arms in Companies, or refuſing upon ſuch approaches to come under command, or give an account what they are, and wherefore they are in ſuch poſture.

Committy of Militia in the ſeveral Towns

Their power

In caſe of Alarm

And every ſuch Committy, where any ſuch Alarm ſhall be given or received, or ſhall be aſſaulted as aforeſaid, is required with all poſſible ſpeed

ſpeed to give intelligence to the next Magiſtrate, and the Major of the Regiment where ſuch Alarm is taken, or aſſault made of the reaſon thereof, and ſtate of the place ſo aſſailed.

To give notice to the Major

And the ſaid Major is hereby required to ſend forth to procure intelligence of the eſtate of any place ſo Alarm'd or Aſſaulted, and to Order Aſſiſtance to them from any other company or companies of his Regiment, as the caſe ſhall require, and ſhall give conſtant intelligence to the Governour or Council of the Country, and Major General of the ſtate of ſuch affairs with all convenient ſpeed.

Major to Order Aſſiſtance

To give intelligence to the Council and Major General

But no Major of any Regiment ſhall march with his Regiment out of the County wherein he hath command, nor cauſe any part thereof ſo to do without Order from the General Court, Council of the Common wealth, or Major General, except it be in purſuit of the Enemy upon a Rout.

Major not to lead his Regiment out of the County

And in caſe of Death or abſence of the Major, upon any ſuch occaſion of ſervice, the eldeſt Captain of the Regiment ſhall ſupply his place till further Order be taken; and the ſeniority of all Captains and chief Officers of every Company in the ſeveral Regiments, ſhall be accounted according to the ſeniority of the Towns or Companies they command, except the Commanders of the four Companies of *Boſton*, being of equal ſtanding, the ſeniority of the *C*aptains ſhall be according to the priority of their *C*ommiſſions.

Seniority of Captains

A. 53.

A. 56. p. 12.

Committy to preſs Soldiers

It is further Ordered, That henceforth all Warrants for impreſſing and raiſing of Souldiers, for any expedition, ſhall be directed to the *C*ommitty of Militia of the ſeveral Towns, who may execute the ſame by the *C*onſtable, and the ſaid *C*ommitty are hereby impowred and required to ſuppreſs all raiſing of Souldiers, but ſuch as ſhall be by the Authority of this Government.

A. 54. p. 3.

A. 55.

To take care of great Guns and repair Forts

And in all Towns where there are great Artillery, Forts or Batteries, the *C*ommitty of Militia, and Select men of the Town, ſhall mount ſuch Guns, and fit them with appurtenances for ſervice, and repair ſuch Forts or Batteries as they ſhall ſee neceſſary for the ſecurity of the Town, the charge whereof the Select men are hereby impowred and required to leavie on the Eſtate of the Inhabitants, according to the proportion of the *C*ountry Rate, to be collected by the *C*onſtables of the ſaid Town, for the uſe aforeſaid.

WHereas in the Law tit. Military, Sect. *11. the three chief Military Officers in each Town except* Boſton, *together with the Magiſtrates or Deputies thereof, are appointed a Committy of Militia for ſuch Towns without mentioning the Officers of the Horſe, to be of that Committy*;

Committy of Militia

This Court doth Declare, That the Commiſſion Officers of the Horſe in the Town where they dwell, ſhall be added thereto, and hereby are appointed and impowered to be of the Committy of Militia for ſuch Towns where they dwell; Any Law or Cuſtome to the contrary notwithſtanding. [*1664.*]

Military Watches how ſet

11. It is Ordered, That the Military Watches ſhall be ſet by beat of Drum half an hour after Sun ſet, by the Military Officers in ſuch places as they ſhall judge moſt convenient, and ſhall be Ordered and Diſpoſed by their command and direction; And if any man ſhall ſhoot off a Gun after

after the Watch is ſet (except in caſe of Alarm) he ſhall forfeit *forty ſhillings.*

Inſtruction and duty of Sentinels

The ſaid Watch or Sentinels being ſet, ſhall examine all perſons that ſhall come within their Watch or Round, and all they ſuſpect they ſhall carry to their Guard, there to be kept till morning, and before they be diſmiſſed, they ſhall carry them to their chief Officer to be examined and proceeded with according to law;

And if the Sentinel or Watch ſhall meet with ſuch perſons as ſhall be too ſtrong for them, or by their carriage ſhall give juſt cauſe of ſuſpition, or will not ſubmit to their command, or if they ſhall either draw upon them, or offer any ſuch affront in Words or Actions, as ſhall put them in fear or hazzard of their lives, they ſhall diſcharge upon them, and retire with ſpeed to the Guard and raiſe an Alarm; Provided alwayes that in time of peace, when the Council of War, or the chief Officers of the Company ſhall not apprehend preſent danger by the nearneſs of an Enemy, it ſhall not be in the liberty of any Sentinel to hazzard the killing of any perſon, except in his own neceſſary defence; but if the cauſe require it, he ſhall retire to the Guard and raiſe an Alarm by diſcharging his Muſquet and crying Arm, Arm, which ſhall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he ſhall either ſtrengthen his Guard, or give a general Alarm, which ſhall be either the diſtinct diſcharge of three Muſquets, or the continued beat of the Drum, or firing a Beacon, or the diſcharge of a piece of Ordnance and two Muſquets after it, any of which in the night ſhall be accounted a general Alarm, which every Souldier is immediately to anſwer, by repairing Armed to his Colours or Court of Guard, upon the penalty of *five pounds.*

What ſhall be taken for an Alarm.

Not anſwering the Alarm penalty 5 li.

Smiths to repair Arms

13. And upon any expedition, upon occaſion of any Enemy, or any preſent Military Service to be done, all Smiths and other needful workmen, ſhall immediately repair ſuch Arms and other Neceſſaries as ſhall be brought unto them for that end, for which, they ſhall not refuſe ſuch pay as the Country affords, upon the penalty of *five pounds* for every ſuch default, and for ſuch neglect at any other time more then ten dayes, ſhall forfeit for every ſuch offence *ten ſhillings.*

Penalty

A.56.p.12. 14. The Surveyor General ſhall yearly give an account of the common ſtock of Powder and Amunition to the Council, that the General Court being by them informed, may out of the publick Treaſury make a conſtant ſupply according to the need of the Country.

L.2.p.1. 15. Every Town ſhall be provided of a ſufficient Watch houſe, under the penalty of *five pounds*, and ſhall alſo provide at their own charges a ſafe and convenient place to keep all ſuch Powder and Amunition in, as the chief Military Officer by Order of the General Court ſhall appoint, under the penalty of *ten pounds.*

Towns to provide watch-houſe and ſtock of Powder & amunition

And the Select men of every Town, ſhall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Muſquet Bullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers, in number more or leſs; which they ſhall carefully renew from time to time as ſhall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned, and the

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [*1649.*]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seaventy Listed Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to incourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions. *A.56.p.12.* Troop not exceed 70 to be under Majors command. *A.54 p.1.* *A.56.p.12.*

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of *ten shillings* for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty. Troopers how to be furnished

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of *five shillings* for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*. To exercise six dayes yearly

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases. Clerk his fees

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of *five pounds*, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [*1645,47,48,52,53,54,55,59.*] *A.53.* How Troops are disposed in case of Alarm. No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding *fifty shillings*. Troopers penalty

after the Watch is ſet (except in caſe of Alarm) he ſhall forfeit *forty ſhillings.*

Inſtruction and duty of Sentinels

The ſaid Watch or Sentinels being ſet, ſhall examine all perſons that ſhall come within their Watch or Round, and all they ſuſpect they ſhall carry to their Guard, there to be kept till morning, and before they be diſmiſſed, they ſhall carry them to their chief Officer to be examined and proceeded with according to law;

And if the Sentinel or Watch ſhall meet with ſuch perſons as ſhall be too ſtrong for them, or by their carriage ſhall give juſt cauſe of ſuſpition, or will not ſubmit to their command, or if they ſhall either draw upon them, or offer any ſuch affront in Words or Actions, as ſhall put them in fear or hazzard of their lives, they ſhall diſcharge upon them, and retire with ſpeed to the Guard and raiſe an Alarm; Provided alwayes that in time of peace, when the Council of War, or the chief Officers of the Company ſhall not apprehend preſent danger by the nearneſs of an Enemy, it ſhall not be in the liberty of any Sentinel to hazzard the killing of any perſon, except in his own neceſſary defence; but if the cauſe require it, he ſhall retire to the Guard and raiſe an Alarm by diſcharging his Muſquet and crying Arm, Arm, which ſhall be taken for an Alarm by the Souldiers of that Town; and if there appear danger to the chief Officer, he ſhall either ſtrengthen his Guard, or give a general Alarm, which ſhall be either the diſtinct diſcharge of three Muſquets, or the continued beat of the Drum, or firing a Beacon, or the diſcharge of a piece of Ordnance and two Muſquets after it, any of which in the night ſhall be accounted a general Alarm, which every Souldier is immediately to anſwer, by repairing Armed to his Colours or Court of Guard, upon the penalty of *five pounds.*

What ſhall be taken for an Alarm

Not anſwering the Alarm penalty 5 li.

Smiths to repair Arms

13. And upon any expedition, upon occaſion of any Enemy, or any preſent Military Service to be done, all Smiths and other needful workmen, ſhall immediately repair ſuch Arms and other Neceſſaries as ſhall be brought unto them for that end, for which, they ſhall not refuſe ſuch pay as the Country affords, upon the penalty of *five pounds* for every ſuch default, and for ſuch neglect at any other time more then ten dayes, ſhall forfeit for every ſuch offence *ten ſhillings.*

Penalty

A.56.p.12. 14. The Surveyor General ſhall yearly give an account of the common ſtock of Powder and Amunition to the Council, that the General Court being by them informed, may out of the publick Treaſury make a conſtant ſupply according to the need of the Country.

L.2.p.1. 15. Every Town ſhall be provided of a ſufficient Watch houſe, under the penalty of *five pounds*, and ſhall alſo provide at their own charges a ſafe and convenient place to keep all ſuch Powder and Amunition in, as the chief Military Officer by Order of the General Court ſhall appoint, under the penalty of *ten pounds.*

Towns to provide watch-hous and ſtock of Powder & amunition

And the Select men of every Town, ſhall provide for every fifty Souldiers, one Barrel of good Powder containing near one hundred pounds, one hundred and fifty pounds of Muſquet Bullets, and eight and twenty pounds of good Match, and after that proportion for every Company of Souldiers, in number more or leſs; which they ſhall carefully renew from time to time as ſhall be needful, under the penalty of *five pounds* for the want of every Barrel of Powder, one hundred and fifty pounds of Bullets and eight and twenty pounds of Match as before mentioned, and the

the Select men of every Town as aforesaid, are hereby Authorized to assess their Inhabitants for making the provisions aforesaid, which shall remain as a Town-stock, besides all other Provisions of that kinde. [*1649.*]

16. It is Ordered by this Court and the Authority thereof; That no Troop of Horse within this Jurisdiction, shall exceed the number of seaventy Listed Souldiers besides Officers; and that the Troops raised in the several Counties be under the Command of the Majors of the Regiment in the respective Counties, and all priviledges formerly granted to incourage Troopers shall be continued, except free Ferrage, and free Commonage in divided and appropriate Commons: And every Troop consisting of forty, shall have liberty of Nomination of all Officers to be allowed and confirmed by the County Courts as the Foot Officers, and the three chief Officers to have Commissions. *A. 56. p. 12.*

Troop not exceed 70 to be under Majors command.

A. 54 p. 1.
A. 56. p. 12.

And every Trooper shall keep alwayes a good Horse, and be well fitted with Saddle, Bridle, Holsters, Pistols or Carbines and Swords, under the penalty of *ten shillings* for every defect, and having Listed his Horse, shall not change or put him off without License from his Captain or chief Officer under the like penalty.

Troopers how to be furnished

And every Trooper shall attend six dayes exercise yearly, at such time and place as shall be appointed by the chief Officer, under the penalty of *five shillings* for every default, to be leavied and distreined by the Clerk of the Troop, who is hereby required to execute the place as the Clerks of the Foot Companies *mutatis mutandis*.

To exercise six dayes yearly

And because the Troopers living remote do often avoid their penalties, or occasion much travail and charge to the Clerk to collect the same;

It is Ordered that the Clerks of the Troops for their charge and travail in leavying all fines, shall be allowed the Fees of the Marshal, to be by him leavied and distreined together with the fines; Provided no such distress be made within one Month after the default, that the parties may have liberty to present their excuses to the Officers, who have power upon just cause to abate or remit the fines, as the Officers of the Foot have in like cases.

Clerk his fees

And in case of Alarm, every Troop shall fit himself in all respects for service, and shall speedily repair to the Guard in the Town where he dwells, under the penalty of *five pounds*, and shall duely attend such service as the Committee of Militia of that Town shall require, until he shall otherwise be commanded by Order from his Captain or other Superiour Officer: And no Officer of any Foot Company shall be a listed Trooper. And no Troop shall be drawn out of the County upon any pretence by the Captain and Officers thereof (except in pursuit of an Enemy upon a Rout) but by Order of the Major General. And the Captains of Horse and of Foot respectively, the Majors of the Regiments, and the Major General are required in their respective charges, to take care the Military Orders respecting Foot and Horses be duely executed and observed. [*1645, 47, 48, 52, 53, 54, 55, 59.*] *A. 53.*

How Troops are disposed in case of Alarm

No Troop to be drawn out of the County

Also it is Ordered; That no Trooper put off or change his Horse without leave from his Commander, under the penalty of *five pounds*, and that for non-appearance on dayes of exercise, the fine shall be *ten shillings*, and that no Trooper being Listed may at his pleasure disband himself without leave orderly obtained from his Commander, and returned by certificate to the Commander of the Foot in the Town to which they belong, under the penalty of such a fine as his chief Officer shall impose, not exceeding *fifty shillings*.

Troopers penalty

FOr a more full and clear understanding of the intent of this Court in reference to Commissions granted to Military Officers;

Officers Commissions.

It is Ordered and hereby Declared, That all Commissions of inferiour Officers be and do stand good and in force, notwithstanding the death or removal of their Superiour Officers.

It is also further Ordered, That all trained Souldiers, whether Horse or Foot, shall repair to their several Quarters and lodge their Arms, immediately after their dismission upon Training dayes: And whosoever shall either singly or in companies remain in Arms, and vainly spend their time and Powder by inordinate shooting in the day or night after their Release; such Souldiers upon conviction shall be punished by their Superiour Officers order, upon the next Training day at the head of the Company, by sharp Admonition, or otherwise, with any usual Military punishment at the discretion of the chief Officer: Provided the Magistrate have not taken notice of the matter before.

Disorder in Souldiers to be punished by the Officers.

It is also further Ordered; That all Souldiers, whether Horse or Foot, who shall disobey the lawful commands of their Superiour Officers upon any Training day, either in time of exercise in the Body, or otherwise refusing to perform any service which their Officers in their discretion shall judge expedient in order to the furtherance and promoting Military work; such refractory Souldiers shall be punished either by Admonition or otherwise, at the head of the Company with any usual Military punishments, at the discretion of the chief Officers.

Repealed.

It is also further Ordered, and be it hereby Enacted, that the Law limiting Troops, not to exceed seaventy persons in a Troop, as also for allowance of *five shillings per Annum* is hereby Repealed, in reference to any that shall be listed after the publication of this Order.

And that henceforth none shall be admitted to be a listed Trooper, but such whom themselves or Parents under whose government they are, do pay in a single Country Rate for *one hundred pounds* estate, and in other respects qualified as the Law provides: And the same certified under the hand of the Constable of the Town where they live. [1663.]

FOrasmuch as complaints have been made to this Court, of very great inequality in keeping and maintaining of Military Watches, the burthen of that service lying mainly, if not altogether upon such as bear Arms, when several persons of good Estate are free; All which considered,

Military Watches

It is Ordered, that henceforth all persons whatsoever, within this Jurisdiction, who are liable to serve in Constables Watches, shall also be liable to the like service in all Military Watches, either in their own persons, or by a sufficient supply to be made by all such persons as aforesaid, or shall pay *twelve pence* in money, and that under the penalty of *five shillings* for every such neglect, to be leavied by the Clerk of each Company, by Warrant under the hand of the chief Officer of the same. [1664.]

Whereas

WHereas this Court hath already provided for the well ordering and ſetling the Militia of this Common-wealth, as in the Law tit. Military, *yet forasmuch as many Complaints are preſented to this Court, that the ſaid Orders are not ſo attended as is to be deſired; conſidering the preſent juncture of affairs between our Engliſh Nation and forreign Enemies, who are now engaged in a Bloody War, which calls for a prudential endeavour of our own ſafety againſt any forreign Invaſion or ſuddain Surprizal;*

Major General & Majors power to ſee that all the Arms of the Country be readily fixt

This Court doth therefore Order and Enact, That the ſaid Military Laws be by all perſons therein mentioned, forthwith attended in all reſpects; And for the better effecting the ſame, the Major General is required forthwith by warrant under his hand to the Majors of the ſeveral Regiments, to require them to make diligent inquiry into the ſtate of the ſeveral Companies under their charge, and to be certified under the hands of the Commiſſion officers, or chief Officers where no Commiſſion Officers are of each Company, of all defects of Arms, Amunition or otherwiſe in every reſpect; And the ſaid Majors reſpectively are required to give ſpeedy advice to the Major General what poſture their ſaid Regiments are in, and wherein the ſaid Majors cannot of themſelves forthwith make redreſs of any defects in the ſaid Companies, the ſaid Majors with the advice of the Major General have hereby power to uſe all lawful means to effect the ſame.

Five pounds penalty for defects of inferiour Officers

And all inferiour Officers are hereby required to yield ready Obedience to all ſuch Warrants ſent to them by the ſaid Majors reſpectively, or Major General, upon the penalty of *five pounds* for every ſuch defect, to be leavied by diſtreſs by ſuch perſon as the ſaid Major General and Majors of the Regiments ſhall depute, which ſaid fines ſhall be for a ſtock of Powder for the ſaid Company where the defects ariſe from time to time.

All the fines to go to procure a ſtock of powder for the company where the defects ariſe

And whereas ſeveral Towns in this Juriſdiction, are not under the Command of any Serjeant Major, as Dover, Portſmouth, *&c. as alſo the Towns of the County of* Hampſhire;

The ſeveral Towns that are not under Majors of Regiments to be regulated & ordered by the Major General

It is Ordered, That the Major General take care for regulating of the Military affaires of ſuch Towns, till they are brought under a Major as in other Counties; And all Military Officers of ſuch places are required obedience to the Orders of the Major General from time to time, upon the penalty above mentioned for every defect. [*1666.*]

WHereas the Law, tit. Military Sect. *7. requires every Pike man to be compleatly furniſhed (amongſt other weapons with a ſufficient Corſlet) This Court conſidering that Corſlets are wanting to many Souldiers in ſeveral Companies, and that ſupplies therein are not eaſily to be attained;*

It is therefore now Ordered, and by the Authority of this Court Enacted; That every Pikeman within this Juriſdiction, ſhall be compleatly furniſhed, either with a ſufficient Corſlet, Buffe Coat or Quilted Coat, ſuch as ſhall be allowed by the chief Officer, under whoſe command they from time to time ſhall ſerve, upon the penalty in the recited Law already expreſſed; any Law, Cuſtome or Uſuge to the contrary notwithſtanding. [*1666.*]

Pike men to provide Buffe Coats or Quilted coats

THis Court considering the direction of our Patent, regulating to the stating of all Military Officers in this Jurisdiction;

Do hereby Order and Declare; That all Commission Officers that at present are in power, are confirmed according to their respective Commissions; but for the time to come where new are to be chosen, it is only in the power of the General Court, or in case of emergency for the Council of the Common-wealth, to Nominate, Choose, Appoint, and Impower all Commission Military Officers, excepting the Major General, and Admiral by Sea, the choice of whom are otherwise provided for by Law; and for all inferiour Officers in Companies, they are to be chosen and appointed by the Commission Officers of that Company, and where no Commission Officer is by the Major of the Regiment. [*1661.*]

How Officers are to be chosen

THe Court considering that the Regiments are multiplied from three to six since the Law was made, requiring the Serjeant Majors of every Regiment to draw forth his Regiment once in three years, to exercise them in Military Discipline:

Regimental meetings

Do Order, That henceforth the Regimental Meetings shall be in this following Order; *i. e.*

Suffolk this present year, 1671.
Norfolk including the County of *Portsmouth* and *Dover*, 1672.
Middlesex Anno 1673.
Yorkshire Anno 1674.
Essex Anno 1675.
Hampshire Anno 1676.

And so to be continued in this Order successively from time to time.

And the Majors of *Norfolk*, *Yorkshire* and *Hampshire* are allowed towards their expenses and entertainment, occasioned by that service *ten pounds* a piece respectively for the time of that service, to be paid by their respective County Treasurers.

And it is also Ordered, That henceforth the allowance of *twenty pounds* a piece granted formerly to the Majors of the three old Regiments, shall be paid by the County Treasurers respectively, for such their service, any thing contrary hereunto contained in the Military Law, Sect. 2. notwithstanding. [*1671.*]

MINES.

L. 2. p. 11. Discoverers of Mines to enjoy the profit for 21 years

FOr incouragement of such as will adventure for the discovery of Mines; It is Ordered by this Court, That whosoever will be at the charge for the discovery of any Mine within this Jurisdiction, shall enjoy the profits thereof, with a fit proportion of Land to the same, for *twenty one* years

years to their proper uſe, and alſo that ſuch perſons ſhall have liberty to purchaſe the intereſt of any of the Indians in ſuch Lands where ſuch Mines ſhall be found, provided they ſhall not enter upon any Towns or perſons Propriety without his leave. [*1641.*]

2. And any Inhabitant within this Juriſdiction, that ſhall have or finde any kinde of Mine or Mines whatſoever, in any of their own proprieties, the whole benefit and profit of ſuch Mines are due and ſhall belong to ſuch Proprietor of Land wherein ſuch Mine ſhall be found, to them and to their Heirs for ever, as any part of their Lands, Minneries; Poſſeſſions or Profits whatſoever, paying onely the fifth part of Gold and Silver Oar according to proviſo, made on that behalf.

MONEY.

A. 52. p. 12.

IT is Ordered by this Court and the Authority thereof; That a Mint-houſe be Erected at *Boſton*, and that the Maſter of the ſaid Mint, and all the Officers thereof ſhall be ſworn and allowed by this Court, or by ſuch as ſhall be Authorized by this Court for that pnrpoſe.

Mint houſe at Boſton

And all perſons whatſoever, have liberty to bring into the ſaid Mint, all Bullion, Plate or Spaniſh Coyn, there to be melted, and brought to Alloy of Sterling Money by the Maſter of the ſaid Mint and his ſworn Officers from time to time, by him or them to be Coyned into *twelve penny*, *ſix penny*, and *three penny* pieces, which ſhall be ſtamped with a double Ring on either ſide, with this Inſcription, MASSACHUSETS and a Tree in the center on the one ſide, NEW-ENGLAND with the year of our Lord, and the figure XII. VI. III. according to the value of each piece on the other ſide, together with a privie mark, which ſhall be appointed every three Months by the Governour, and known onely to him and the ſworn Officers of the Mint.

Stamp of the Coyn

And further, the Maſter of the Mint aforeſaid, is hereby required to Coyn all the ſaid Money of good Silver, of the juſt Alloy of new Sterling Engliſh Money, and for value *two pence* in the *ſhilling* of leſſer value then the preſent Engliſh Coyn, and the leſſer pieces proportionably: And all ſuch Coyn as aforeſaid, (and no other except Engliſh) ſhall be acknowledged to be the currant Money of this Common-wealth, and to paſs from Man to Man in all payments accordingly within this Juriſdiction.

Value of the Coyn

And the Mint maſter for himſelf and Officers, for their pains and labour Melting, Refining and Coyning is allowed by this Court to take *one ſhilling* out of every *twenty ſhilings*, which he ſhall ſtamp as aforeſaid, and it ſhall be in the liberty of any perſon, who brings into the Mint-houſe any Bullion, Plate or Spanniſh Coyn, to be preſent and ſee the ſame Melted, Refined and Alloyed, and then to take a Receipt of the Maſter of the Mint for the weight of that which is good Silver Alloyed as aforeſaid, for which the Mint maſter ſhall deliver him the like weight in currant Money, *viz.* every *ſhilling* to weigh *three pence Troy weight*, and leſſer pieces proportionably, deducting allowance for Coynage as before is expreſſed.

Allowance for Coyning

Weight of the Coyn

Mint maſters & Officers to be known

And it is further Ordered; That a Committee be choſen by this Court to appoint a Mint-houſe in ſome convenient place in Boſton, and to approve and ſwear the Maſter and all the Officers, and to Order and Determine what ſhall further appear neceſſary to carry on this Order to effect.

A. 54. p. 5.

Exportation of Coyn prohibited on pain of confiſcation of eſtate

2. And it is further Ordered; That no Inhabitant of this Juriſdiction or Stranger, ſhall from henceforth ſend, carry or tranſport out of this Juriſdiction, by Sea or by Land, directly or indirectly, any of the Money that hath been or ſhall be Coyned in this Juriſdiction, except *twenty ſhillings* for neceſſary expences, on penalty of Confiſcation, not only of ſuch money ſo Coyned, but alſo all the viſible eſtate of him that ſhall any way be found ſending or exporting any of the Coyn aforeſaid, one third part whereof ſhall be to the uſe of the Informer and Officer, the other two thirds to the Country.

And that this Law may be duely obſerved;

Searchers to be appointed

The County Courts ſhall from time to time, as there ſhall be need in *Boſton*, *Charlstown*, *Salem*, *Ipſwich*, *Paſcataqua*, *Iſles of Shoals*, *Sudbury*, and other needful places, appoint and Authorize meet perſons, as Searchers, to examine and ſearch all Perſons, Veſſels, Packs, Truncks, Cheſts, Boxes, or the like, that ſhall be tranſporting out of this Juriſdiction, who finding any Money ſhall ſeize the ſame, and forthwith inform the next Magiſtrate thereof, who ſhall iſſue out his Warrant for the preſent ſeizure of the whole viſible Eſtate of the party ſo tranſporting contrary to this Law, for the uſe of the Common-wealth; And for the parties ſearching or informing as is above expreſt.

To take an Oath

And it is further Declared, That all ſuch Maſters, Marriners or other perſons, that ſhall be found to be privy or conſenting to the exporting of any of the Coyn aforeſaid, out of this Juriſdiction, he or they ſhall for every ſuch offence forfeit the ſum of *twenty pounds* a piece, to be to the uſes aforeſaid; And the ſeveral Searchers ſhall take the Oath appointed for Searchers, only in ſtead of half, a third part to be inſerted, and in ſtead of certifying the Auditor General, to inſert to certifie the next Magiſtrate. [*1652. 54.*]

FOr *the better execution of the Law* pag. 62. ſect. 2. *for the reſtraining the Exportation of Money*;

It is Ordered by this Court and the Authority hereof, That the perſons hereafter named, *viz.*

For *Boſton*, Captain *James Oliver*, and Mr. *Thomas Brattle* or either of them.

Commiſſioners to ſearch for Money, &c.

For *Charlstown*, Captain *John Allen*.
For *Salem*, Mr. *Edward Batter*.
For *Paſcataqua*, Mr. *Elias Stileman*.
For *Marble-head*, Mr. *Samuel Ward*.
For *Dedham*, Enſign *Fiſher*.
For *Braintry*, *Moſes Pain*.
For *Malberow*, *William Kerly*.
For *Springfield*, *Laurence Bliſs*.

Be all and every of them appointed, impowered and required to ſearch for, and ſeize all Monies of the Coyn of this Juriſdiction, that ſhall be found or diſcovered in any Ship or any other Veſſel that hath weighed Anchor to depart

depart from that Port where ſhe ladeth, or all ſuch Money that ſhall be found in any perſons Pocket, Cloak-bag, Portmantle, or any other thing belonging to them, after ſuch perſon hath taken Horſe back, to proceed and travail in his or their Journey out of this Juriſdiction, from the firſt Town or Station whence ſuch perſons begin their Travail: And all Money that ſuch Searcher ſhall finde (except ſo much as is allowed by Law) he ſhall ſafely keep it until the next Court of the Shire, and then preſent the ſame unto the ſaid Court; and if it be judged by the Court to be forfeited according to Law, then the ſaid Court are required to order the delivery of one third part to the Officer that ſeized the ſame, and the other two third parts to return to the publick Treaſury of the Country.

And it is further Ordered, That the Searchers before-named, are hereby impowred to break open any Cheſt, Trunk, Box, Cabin, Cask, Truſs, or any other ſuſpected place or thing, where they or any of them conceive Money may be concealed, and ſeize the ſame: And alſo they or either of them are impowered to require ſuch Aſſiſtance from any Conſtables or others, as to them may ſeem expedient, who are to aid them upon the penalty of *forty ſhillings* fine for every neglect. [*1669.*]

MONOPOLIES.

IT is Ordered, Decreed, and by this Court Declared; That there ſhall be no Monopolies granted or allowed amongſt us, but of ſuch new inventions that are profitable to the Country, and that for a ſhort time. [*1641.*]

Oaths Subſcriptions.

IT is Ordered, and by this Court Declared; That no man ſhall be urged to take any Oath, or ſubſcribe to any Articles, Covenants or Remonſtrances of Publick and Civil nature, but ſuch as the General Court hath conſidered, allowed and required; and no Oath of any Magiſtrate or of any Officer, ſhall binde him any further or longer then he is reſident or reputed an Inhabitant of this Juriſdiction. [*1641.*]

No Oaths but what are impoſed by the General Court

Officers Oath how long binding

2. *Foraſmuch as divers Inhabitants of this Juriſdiction, who have long continued amongſt us, receiving protection from this Government, have as we are informed uttered offenſive ſpeeches, whereby their fidelity to this Government may juſtly be ſuſpected, and alſo that divers Strangers of forreign parts do repair to us of whoſe fidelity we have not that aſſurance which is commonly required of all Governments;* *A. 52. p. 9.*

Strangers to ſwear fidelity to this Governm.

It is therefore Ordered by this Court and the Authority thereof; That the County Courts or any one Magiſtrate out of Court, ſhall have power, and is hereby Authorized to require the Oath of Fidelity of all ſettled Inhabitants amongſt us, who have not already taken the ſame, as alſo to require the Oath under-written of all Strangers, who after two Months have their Abode here; And if any perſon ſhall refuſe to take the reſpective Oath, he or they ſhall be bound over to the next County Court or Court of Aſſiſtants, where if he ſhall refuſe, he ſhall forfeit *five pounds* a week, for every week he ſhall continue in this Juriſdiction after his ſaid refuſal, unleſs he can give ſufficient ſecurity to the ſatisfaction of the Court or Magiſtrate for his Fidelity during his or their reſidence amongſt us:

Strangers Oath.

You A. B. *do acknowledge your ſelf ſubject to the Laws of this Juriſdiction, during your reſidence under this Government; And do here Swear by the great Name of the Everliving GOD, and engage your ſelf to be true and faithful to the ſame, and not to Plot, Contrive or Conceal any thing that is to the hurt or detriment thereof.* [*1652.*]

OPPRESSION.

FOr avoiding ſuch miſchiefs as may follow by ſuch indiſpoſed perſons, as may take liberty to oppreſs and wrong their Neighbours, by taking exceſſive Wages for their Work, or unreaſonable prizes for ſuch Merchanaizes or other neceſſary Commodities as ſhall paſs from Man to Man;

It is Ordered; That if any Man ſhall offend in any of the ſaid caſes, he ſhall be puniſhed by fine or impriſorment, according to the quality of the offence as the Court to which he is preſented, upon lawful tryal and conviction ſhall adjudge. [*1635.*]

PAYMENTS.

A. 54. p. 4.

Debts to be paid in the kind contracted for

IT is by this Court Ordered and Declared; That all Contracts and Engagements for Money, Corn, Chattel or Fiſh, ſhall be ſatisfied in kinde according to Covenant, or in default of the very kinde contracted for, in one of the ſaid kindes; Provided that in ſuch caſes where payment in kinde is not made according to Covenant, all juſt damages ſhall be ſatisfied (together with the Debt) for not paying in kinde according to bargain,

bargain; And in no case shall any Creditor be forced to take any other Commodities for satisfaction of his debt, unless it be according to his Contract, but it shall be lawful for such Creditor to imprison the party till he make satisfaction according to Covenant, or to take upon Execution such Goods, Houses or Lands, as shall be to his satisfaction; any Law, Custome or Usage to the contrary notwithstanding. [*1654.*]

Debts to be paid in the kinde contract

WHereas the Law tit. Payments pag. 63. *doth make Corn, Cattle and Fish equal with Money and to be paid as Money, when Money is intended for, which at that time when the Law was made was as good as Money, but now is otherwise, and proveth prejudicial and injurious, as experience sheweth upon several accounts: therefore as an Addition to, and explanation of that Law;*

This Court doth Order and Enact, That henceforth all Contracts, Agreements, Engagements or Covenants for any specie whatsoever, shall be paid in the same specie Bargained for; Any Law, Usage or Custome to the contrary notwithstanding. [*1670.*]

All contracts & agreements to be made good by payment in specie contracted for, &c.

PETITIONS.

IT is hereby Ordered; That all Petitions to the General Court, which are of a common and ordinary nature, the Petitioner shall pay on the delivery thereof to the Secretary or Clerk *two shillings six pence* for each Petitions; And all Petitions for abatements of fines, mittigation of penalties, &c. shall pay unto the Clerk or Secretary as aforesaid *ten shillings*, And all Petitions for Gratuities, or that concern Controversies between party and party, Town and Town shall pay *ten shillings*; And all Petitions for Debts, or other controversies between party and party brought from Inferiour Courts, shall pay *ten shillings* besides the charges of the Court during the trial of such cause.

L. 2. p. 13.

Payment for entring Petitions in the General Court

And henceforth no Petitition whatsoever, shall be received into the General Court, after the first four dayes of the Court of Election, nor after the first week of any other Session.

A. 54. p. 1.

Nevertheless, It is hereby Ordered; That all such Petitions that concern any engagement of the Country to any person, are hereby exempted; And that any Magistrate or Deputy of the Court may present any Petition, wherein his own personal right is concerned without payment, and that there shall be a true Entry made by the Secretary of the number of Petitions that shall be delivered to the Magistrates, and the like account shall be kept by the Clerk of the Deputies, of all Petitions received by the Deputies, and all such fees as are produced by such Petitions, shall be received or secured by the Secretary or Clerk, and discounted in part of their Annual allowance. [*1648, 54.*]

Time of Entry

petitions exempt from payments

Secretary and Clerk to secure the pay

PIPE-STAVES.

WHereas information hath come to this Court from forraign parts, of the inſufficiency of our Pipe-ſtaves, eſpecially in regard of worm-holes, whereby the Commodity is like to be prohibited in thoſe parts, to the great damage of the Country;

It is therefore Ordered by this Court and the Authority thereof; That the Select men of *Boſton*, *Charlſtown*, *Salem*, *Dover*, *Portſmouth*, *Kitterie*, and all other Towns in this Juriſdiction, where Pipe-ſtaves uſe to be ſhipped, ſhall forthwith, and ſo from time to time, as need ſhall require, nominate two men of each Town, skilful in the Commodity, and ſuch as can attend the ſervice, to be viewers of Pipe ſtaves, who ſo choſen, ſhall by the Conſtable be convented before ſome Magiſtrate, to be ſworn diligently and faithfully to view and ſearch all ſuch Pipe-ſtaves as are to be tranſported to any parts of *Spain*, *Portugal*, or within either of their Dominions or elſewhere, to be uſed for making of tight Cask, who ſhall caſt by all ſuch as they ſhall judge not Merchantable, both in reſpect of worm-holes and due Aſſize, *viz.* that are not in length *four foot and half*, in breadth *three Inches and half* without ſap, in thickneſs *three quarters of an inch* and not more or leſs then an eighth part of an inch then *three quarters* thick, well and even hewed and ſufficient for uſe.

Searchers of Pipe ſtaves

Sworn

Aſſize of Pipe-ſtaves

And they or ſome one of them, ſhall at all times upon requeſt give attendance, and they ſhall enter into a Book the number of all ſuch Merchantable Pipe-ſtaves as they ſhall approve, and for whom.

Pipe-ſtaves ſhipt unſearched to be forfeit

And if any Man ſhall put aboard any Ship or other Veſſel any Pipe-ſtaves other then ſhall be ſo ſearched and approved, to the end, to be tranſported to any part of *Spain* or *Portugal*, except they ſhould be ſhipped for dry Cask, he ſhall forfeit the ſame whole parcel or the value thereof, and the ſaid Viewers ſhall be allowed *two ſhillings* for every thouſand of Pipe-ſtaves which they ſhall ſo ſearch, as well the Refuſe as the Merchantable, to be paid by him that ſets them on work.

Searchers allowed

Maſters of ſhips receiving unſearcht ſtaves forfeit 5 li.

And if any Maſter or other Officer of any Ship or other Veſſel, ſhall receive into ſuch Ship or Veſſel, any parcel of Pipe-ſtaves, to be tranſported into any of the ſaid Dominions, which ſhall not be ſearched and allowed as Merchantable, and ſo certified by a note under the hand of one of the ſaid Viewers; ſuch Maſter ſhall forfeit for every thouſand of Pipe-ſtaves ſo unduely received *five pounds*, except he can procure one of the ſaid Viewers to come aboard and ſearch ſuch Staves as they ſhall be delivered into the Ship:

Dry Cask ſtaves

Provided, Caſt or Refuſe Staves, or other Red Oak Staves may be tranſported into thoſe parts (which may be of good uſe for Dry Cask) ſo as the ſame be carried in diſtinct parcels, and not intermixt with Merchantable Staves. [*1646.*]

Poor.

POOR.

IT is Ordered by this Court and the Authority thereof; That any Shire Court or any two Magiſtrates out of Court, ſhall have power to determine all Differences about lawful ſettling and providing for poor perſons; and ſhall have power to diſpoſe of all unſettled perſons into ſuch Towns as they ſhall judge to be moſt fit for the maintenance and imployment of ſuch Perſons and Families, for the eaſe of this Country. [*1639.*]

And for the avoiding of all future inconveniences referring to the ſettling of poor people that may need relief from the place where they dwell;

It is Ordered by this Court and the Authority thereof; That where any perſon with his Family, or in caſe he hath no family, ſhall be reſident in any Town or Peculiar of this Juriſdiction for more then three months, without notice given to ſuch perſon or perſons by the Conſtable or one of the Select-men of the ſaid place, or their Order, that the Town is not willing that they ſhould remain as an Inhabitant amongſt them; And in caſe after ſuch notice given, ſuch perſon or perſons ſhall notwithſtanding remain in the ſaid place, if the Select-men of the ſaid place ſhall not by way of complaint, Petition to the next County Court of that Shire for relief in the ſaid caſe, and the ſame proſecuted to effect; every ſuch perſon or perſons (as the caſe may require) ſhall be provided for, and relieved in caſe of neceſſity, by the Inhabitants of the ſaid place where he or ſhee is ſo found. Order that ſettle poor

And it is further Ordered, That each County Court ſhall from time to time hear and determine all Complaints of this nature, and ſettle all poor perſons according to directions of this Law, in any Town or Peculiar within this Colony; and every ſuch perſon or perſons ſhall accordingly, be entertained and provided for by the Select-men or Conſtable of the ſaid place, at a Town-charge; And in caſe any Town or Peculiar ſhall finde themſelves agrieved at ſuch diſpoſure of the County Court, they may Appeal to the next Court of Aſſiſtants; And where any perſon or perſons cannot according to this Law be ſettled in any Town or Peculiar, they ſhall then be placed in any Town of that County wherein they are found, according as the County Court ſhall appoint, and their charges ſatisfied unto them by the County Treaſurer.

POSSESSION.

THe Court taking into conſideration the great neglect of many perſons, in the Infancy of theſe Plantations, to obſerve any due order or legal courſe for the confirmation of ſuch Sales and Alienations of Houſes and Lands, as have paſſed from man to man, which thing may ſeveral wayes be of very evil Conſequence to Poſterity. *A. 38. p. 33.*

Doth therefore Order and hereby Enact; That any perſon or perſons, that hath either himſelf or by his Grantees or Aſſignes, before the Law made for direction about Inheritances, bearing date *October the nineteenth, one thouſand ſix hundred and fifty two*, Poſſeſſed and Occupied as his or their own proper Right, in fee ſimple, any Houſes or Lands within this Juriſdiction, and ſhall ſo continue, whether in their own Perſons, their Heirs or Aſſignes, or by any other perſon or perſons, from, by or under them, without Diſturbance, Let, Suit or Denial legally made, by having the Claim of any perſon thereto, entred with the Recorder of the County, where ſuch Houſes or Lands do lye, with the Names of the perſon ſo claiming, and the Quantity, Bounds of the Lands or Houſes claimed, and ſuch Claim proſecuted to effect within the tearm of *five years* next after the *twentieth* of this preſent *May, one thouſand ſix hundred and fifty ſeven*, every ſuch Proprietor, their Heirs and Aſſignes ſhall for ever after enjoy the ſame, without any lawful Let, Suit, Diſturbance or Denial, by any after Claim of any perſon or perſons whatſoever, any Law or Cuſtome to the contrary notwithſtanding.

Title to Inheritances limited within 5 years

And for all Bargains or Alienations made, or to be made after the aforeſaid time, that every perſon concerned therein, obſerve the Directions given in the above recited Law, upon peril of ſuffering all the damage that ſhall accrue to them, their Heirs and Aſſignes by neglect thereof. [*1657.*]

PORTERS.

A. 56. p. 10. *THere being a very great abuſe in the Towns of Boſton and Charlſtown, by Porters, who many times do require and exact more then is juſt and righteous for their Labours*;

It is Ordered by this Court; That from henceforth the Select-men of the ſaid Towns from time to time, ſhall have power to regulate in this caſe, and to ſtate their Wages, as in their underſtanding ſhall be moſt juſt and equal, as alſo to determine what perſons ſhall be imployed therein. [*1655.*]

Porters to be Ordered by the Select men

Pound. Pound-breach.

FOr prevention and due recompence of damages in Corn-fields and other Incloſures done by Swine and Chattel;

It is Ordered by this Court and Authority thereof, That there ſhall be one ſufficient Pound or more, made and maintained in every Town and Village within this Juriſdiction, for the Impounding of all ſuch Swine and

Pound in every Town

and Chattel as ſhall be found in any Corn-field or other incloſure.

And whoſoever Impounds any Swine or Chattel, ſhall give preſent notice to the Owner if he be known, or otherwiſe they ſhall be cryed at the two next Lectures or Markets; And if Swine or Chattel eſcape out of Pound, the Owner if known, ſhall pay all damages according to Law. *A. 57. p. 24.*

And every perſon or perſons having notice given them, or otherwiſe left in writing at their Houſe or place of their uſual abode, of any of their Chattel Impounded or otherwayes Reſtrained, ſhall forthwith give ſatisfaction to the party ſo wronged, or otherwiſe Replevie their Chattel, and proſecute the ſame according to Law, upon peril of ſuffering all the loſs and damage that ſhall come to their Chattel by ſtanding in the Pound or other lawful place of Reſtraint. [*1645, 47, 57.*] Cattle impounded to be replevied or damages ſatisfied

2. And if any perſon ſhall reſiſt or reſcue any Chattel going to Pound, or ſhall by any way or means convey them out of Pound or other Cuſtody of the Law, whereby the party wronged may loſe his damages, and the Law be deluded, that in caſe of meer reſcues, the party ſo offending ſhall forfeit to the Treaſury *forty ſhillings*. Reſcues and Pound breach

And in caſe of Pound breach *five pounds*, and ſhall alſo pay all damages to the party wronged, and if in the reſcues any bodily harm be done to the perſon of any Man or other Creature, they may have remedy againſt the Reſcuers; And if either be done by any not of ability to anſwer the forfeiture and damages aforeſaid, they ſhall be openly Whipped by Warrant from any Magiſtrate before whom the offender is convicted in the Town or Plantation where the offence was committed, not exceeding *twenty ſtripes* for the meer Reſcue or Pound-breach; And for all damages to the party, they ſhall ſatisfie by ſervice, as in caſe of Theft. be whipped

And if it appear there were any procurement of the Owner of the Chattel thereunto, and that they were Abetters therein, they ſhall pay forfeiture and damages as if themſelves had done it. [*1647.*]

POWDER.

WHereas *by favour of the Government in* England, *ſeveral quantities of Powder and other Amunition are yearly Imported into this Juriſdiction for our neceſſary uſe and defence; To the end the favour we receive may not be Abuſed, nor our ſelves Deprived of the juſt and neceſſary uſe thereof;* *A. 52. p. 3.*

It is hereby Ordered and Enacted; That all Merchants or others, that ſhall import into this Juriſdiction either Powder, Lead, Bullets Shot, or any Amunition whatſoever, ſhall give particular notice of the quantity thereof to the *Publick Notary*, upon the pain and penalty of *forty pounds*, within one Month after the Landing of ſuch Goods, who is hereby enjoyned to take particular notice of the ſame, with the Mark and Number, and faithfully to enter the ſame in a Book, and the Names of the Perſons to whom they are ſold, or into whoſe Cuſtody or Powder imported to be Intered with the publick Notary

power they are committed, that he may give account thereof upon Oath to the Governour, Deputy Governour or any of the Council from time to time; And the ſaid Notary is hereby prohibited, upon the penalty of *one hundred pounds*, to grant Certificate to any Merchant or other of any ſuch Goods but ſuch as he ſhall have particular notice of, and entred as aforeſaid.

And to the end this Order may be duely obſerved, and that no perſon may plead ignorance thereof;

It is hereby Ordered, That the Captain of the Caſtle ſhall upon the arrival of any Ship or Veſſel in the Maſſachuſets Bay, from any forraign parts, give notice of the contents of this Order, to the Maſter or Merchant of any ſuch Veſſels, and the Conſtables of all other Port-Towns in this Juriſdiction, are hereby required to do the ſame. [*1651.*]

L. 1. p. 45.

2. And it is further Ordered; That no perſon (except for the defence of themſelves and their Veſſels at Sea) ſhall tranſport any Gunpowder out of this Juriſdiction, without licenſe firſt obtained from ſome two of the Magiſtrates, upon penalty of forfeiting all ſuch Powder as ſhall be tranſporting or tranſported, or the value thereof.

And that there may be no defect for want of an Officer to take care herein;

Searchers for powder exporting

This Court, the Court of Aſſiſtants, or any Shire Court, ſhall appoint meet perſons, from time to time in all needful places, who have hereby power granted them, to ſearch all Perſons and Veſſels that are or any way ſhall be ſuſpicious to them to be breakers of this Order, and what they finde in any Veſſel or Hands, without licenſe as aforeſaid, to ſeize the ſame, and to keep the one half to their own uſe in recompence of their pains, and to deliver the other half forthwith to the Treaſurer. [*1645, 51.*]

Preſcriptions.

IT is Ordered, Decreed, and by this Court Declared; That no Cuſtome or Preſcription ſhall ever prevail amongſt us in any Moral caſe, (our meaning is) to maintain any thing that can be proved to be Morally ſinful by the Word of God. [*1641.*]

Priſoners, Priſon, Houſe of Correction.

Priſoners carried at their own charge

IT is Ordered; That ſuch Maleſactors as are committed to any common Priſon, ſhall be conveyed thither at their own charge if they be able, otherwiſe at the charge of the Country. [*1646.*]

2. *For prevention and reareſs of many miſdemeanours and evil practiſes, daily increaſing*; *A. 55. p. 10*

It is Ordered, That there ſhall be an Houſe of Correction provided in each County, at the Counties charge, to be ſettled, ordered and improved as the Magiſtrates in each County Court or Court of Aſſiſtants ſhall agree and direct. Houſe of Correction in each County

3. And it ſhall be in the power of every County Court to make uſe of ſuch Priſon as is at preſent erected in the County, for an Houſe of Correction, till Houſes of Correction be provided and finiſhed. *A. 57. p. 25.*

Alſo to provide and Authorize the Keeper or ſome meet perſon, to be Maſter of ſuch Houſe as they ſhall judge meet; And the Select men of the Town where ſuch Houſe is appointed, ſhall procure in the moſt prudent way, ſome competent ſtock of Hemp, Flax, or other materials, and upon account, to commit the ſame into the hands of the Maſter of the Houſe, to be imployed at his diſcretion by the labour of ſuch Delinquents, as ſhall be committed to him by Authority, and the ſtock being in value or kinde preſerved to ſuch as put in the ſame, all the benefit attained by the labour of the perſon committed, ſhall be to the uſe of the Maſter, allowing only ſo much as will keep the Delinquent with neceſſary Bread and Water, or other mean food out of the ſame, or *ſix pence* out of the *ſhilling* earned by his or her labour. County Court to appoint a Maſter — *Select men to* provide Materials to work — Maſters fees

And at the firſt coming into the Houſe of Correction, the Maſter thereof, or any he ſhall procure, or the common Corrector reſiding in the Town, ſhall whip every Delinquent, not exceeding *ten ſtripes*, and after ſhall imploy him or her by duely ſtint, and if the party be ſtubborn, diſorderly or idle and not perform their task, and that in good condition, the Maſter ſhall correct them or abridge them of their food, as the cauſe ſhall require, till they are brought to ſome meet order. Delinquent to be corrected & kept to work

And it ſhall be in the power of one Magiſtrate, to commit idle perſons or ſtubborn perſons againſt ſuch as have Authority over them, Runawayes, Common Drunkards, Pilferers, Common night-walkers and wanton perſons, as tending to uncleanneſs in ſpeeches or Actions, *&c.* One Magiſtrate may commit to the Houſe of Correction

And it ſhall not be in the power of the Maſter to deliver out of the Houſe of Correction, unleſs he hath a Diſcharge or Warrant under the hand of a Magiſtrate; and if the Delinquent be committed by the Court, not to be delivered but by order of the Court, or under the hand of the greater part of the Members of the Court. [*1646, 55, 57.*]

ON Complaint of the Keeper of the Priſon, that ſome Maleſactors and other Priſoners have made eſcape, by means of ſome evil-diſpoſed perſons that ſupply them with Inſtruments to effect the ſame;

It is therefore Ordered by this Court and the authority thereof, That if any perſon whatſoever, ſhall any wayes, either directly or indirectly convey any Inſtrument or other thing whatſoever to any Priſoner, by which ſuch Priſoner or any other Priſoner, either ſhall, may, or might break Priſon, or work him or her ſelf unlawfully out of the ſame; if it were for Debt, ſuch perſon ſo tranſgreſſing ſhall pay the full Debt, and incurre the penalty of forfeiture of as much to the Country, or undergo ſuch Corporal puniſhment as the Court on whoſe proceedings ſuch impriſonment followed, or the Court of Aſſiſtants ſhall impoſe, order or appoint. To prevent breaking of Priſons

And if any Priſoner committed for offence or offences, Criminal or Capital, ſhall by ſuch wicked compliance of any perſon, break Priſon or make eſcape out of Priſon, or be found in preparation thereunto, the perſon or perſons which directly or indirectly conveyed ſuch Inſtruments, Tools, or other things, whereby ſuch Priſoner ſhall or might work his or her eſcape from Priſon; ſuch perſon ſhall be liable to the ſame corporal puniſhment which the Priſoner was liable unto, and alſo incurre ſuch further penalty by Fine, Impriſonment, or Corporal puniſhment as the County Court, Court of Aſſiſtants or General Court ſhall appoint: So that where the Priſoners are not actually eſcaped, in ſuch caſes any Court to moderate as they ſhall ſee meet.

And if the eſcape of any Priſoner appear to be through the fault or neglect of the Jaylor, he ſhall then be liable to ſuch penalties as the Priſoner was, according as the Court which hath cognizance thereof ſhall determine. [*1669.*]

Directions to Priſon keepers

IN Anſwer to ſome Queſtions propounded by the Keeper of the Priſon for his direction in the execution of his Office;

This Court do Declare; That it is the duty of all Priſon-keepers from time to time to preſent a true Liſt of all the Priſoners to ſuch Courts of Judicature, as are properly to take cognizance of their crimes, and not to diſcharge any their cuſtody, but by the Authority of the Law warranting the ſame, and that the Court or other Authority taking cognizance thereof ſhall determine the Coſts to be allowed the Keeper for maintenance of the Priſoner, as alſo by whom he ſhall be ſatisfied, and that where any are committed in any civil cauſe, the Plaintiffe at whoſe ſuit he is impriſoned ſhall ſecure the Keeper all his neceſſary expenſes during his Impriſonment, both for Food and Phyſick, and other neceſſaries for his livelihood; And in caſe of his neglect ſo to do, the party impriſoned taking his Oath before any Magiſtrate that he is not worth *five pounds*, the Keeper ſhall not ſtand further charged with him, but may diſmiſs ſuch Priſoner his cuſtody; Any former Law, Uſage or Cuſtome to the contrary notwithſtanding.

And it is Declared by this Court; That the ordinary allowance to be made for the Food of any Priſoner ſhall be *two ſhillings ſixpence* the Week. [*1663.*]

Proteſtations contra Remonſtrance.

Liberty to enter a diſſent in caſes in Court

IT is Ordered, and by this Court Declared; That it is and ſhall be in the liberty of any Member or Members of any Court, Council or civil Aſſembly, in caſes of making or executing any Order that properly concerneth Religion, or any cauſe Capital, or Wars, or Subſcriptions to any publick Article or Remonſtrance, in caſe they cannot in Judgement and Conſcience conſent to that way the major vote or ſuffrage goes, to make their

their Contra Remonſtrance or Proteſtation in Speech or Writing, and upon their Requeſt to have their diſſent Recorded in the Rolls of that Court, ſo it be done Chriſtianly and Reſpectively for the manner, and the diſſent only be Entred without the Reaſons thereof, for avoiding tediouſneſs. [*1641.*]

Puniſhment, Torture.

IT is Ordered, and by this Court Declared; That no man ſhall be twice Sentenced by Civil Juſtice for one and the ſame Crime, Offence or Treſpaſs. None puniſh'd twice for one offence

And for Bodily Puniſhments; We allow amongſt us none that are Inhumane, Barbarous or Cruel. *L. 1 p. 50.*

And no Man ſhall be beaten with above *forty ſtripes* for one Fact at one time, nor ſhall any Man be puniſhed with Whipping, except he have not otherwiſe to anſwer the Law, unleſs his Crime be very ſhameful, and his courſe of life vicious and profligate. Not above 40 ſtripes

And no man ſhall be forced by Torture to confeſs any Crime againſt himſelf or any other, unleſs it be in ſome Capital caſe, where he is firſt fully convicted by clear and ſufficient evidence to be guilty, after which if the caſe be of that nature, that it is very apparent there be other Conſpirators or Confederates with him, then he may be Tortured, yet not with ſuch Tortures as are Barbarous and Inhumane. No torture before conviction

Records, Recorders, Clerks.

WHereas *Records of the Evidence, whereupon the Verdict and Judgement in caſes doth paſs, being duely entred and kept, would be of good uſe, both for Preſidents, and to ſuch as ſhall have juſt cauſe to have their caſes Reviewed*;

It is therefore Ordered by this Court and the Authority thereof; That every Judgement given in any Court, or by one Magiſtrate, or by Commiſſioners, ſhall be Recorded in a Book, and all the Evidences (which are to be given in, in Writing, in fair and large Papers) ſhall be kept, and the party for whom ſuch evidence is brought, ſhall pay to the Recorder or Clerk of the Court for filing and ſafe keeping the ſame *two pence* for each evidence; and the fore man of every Jury ſhall faithfully deliver up all ſuch Teſtimonies or other Writings committed to them, unto the Recorder or Clerk of the Court, when they give in their Verdict in every caſe. *A 52. p. 13.* *L. P. 15.* Evidence to be given in writing. To be kept on File

A. 57. p. 21. And the Fees of the Recorder or Clerk of every County Court shall be as followeth, for Transcribing a Copy of any evidence for every page consisting of *twenty eight* or *thirty* lines, *eight words* in a line *twelve pence*, and proportionable to *eight pence* a page for what it doth exceed; For entry of a Mortgage or Sale of Houses or Lands *verbatim*, not exceeding a page as aforesaid, *twelve pence*, and proportionable to *eight pence* a page for what it doth exceed; And for Attesting the Record on the Original Deed *six pence*, and in like manner for Wills and Inventories, with *six pence* a piece for filling up the Original and safe keeping thereof; And for entring an Order for the determining of an Estate of such as dyed Intestate, or other, wherein the Court is to give their approbation or determination *twelve pence*, And for Entry of the Examination and Proceedings of this Court in any Criminal Cases or Presentment, with the Judgement of the Court therein *two shillings and six pence*; And for Entry of a Recognizance *twelve pence*, to be paid or secured in Court by the Delinquent party; And for Entring a Judgement acknowledged *twelve pence*; And for *L. 2. p 7.* Entry of an Action *one shilling six pence*, and a judgement thereupon *six pence*, and for making an Execution *two shillings*.

Recorders Fees

Births, Deaths Marriages

2. It is Ordered; That the Clerk of the Writts in the several Towns shall Record all Births and Deaths of persons in their Towns, and for every Birth and Death they so Record, they shall be allowed *three pence*, and they shall yearly deliver in to the Recorder of the Court of the Jurisdiction where they live a true Transcript thereof, together with so many *pence* as there are Births or Deaths to be Recorded.

Parents, Masters &c to certifie the Clerk

And all Parents, Masters of Servants, Executors or Administrators respectively, shall bring in to the Clerk of the Writts, in their several Towns, the Names of such persons belonging to them or any of them, as shall either be Born or Dye.

And also every new-Married Man shall likewise bring a Certificate under the hand of the Magistrate which Married him unto the said Clerk, to be by him Recorded, who shall be allowed *three pence* for the same, and the said Clerk shall deliver as aforesaid unto the Recorder a Certificate, with a *penny* a Name for Recording the said Marriage: And if any person shall neglect to bring a Note or Certificate as aforesaid, together with *three pence* a Name to the said Clerk of the Writts to be Recorded, more then one Month after such Birth, Death or Marriage, he shall pay *twelve pence* to the said Clerk, who shall demand the same, and in case any shall refuse to satisfie him, he shall then return the Name of such per- *A. 54. p. 24.* son or persons to the next Magistrate or Commissioners of the Town where such person dwells, who shall send for the party so refusing; And in case he shall still persist therein, shall give Order to the Constable to leavie the same: And if any Clerk of the Writts shall neglect his duty hereby enjoyned, he shall pay the following penalties, *viz.* for neglecting a yearly return to the County Court *five pounds*, and for neglect of returning the name of any person returnable by this Order, whether Born, Married or Dead, more then *thirty* dayes before his return to the County Court *five shillings*, and that no neglect may be herein for the future, the Clerk of each County Court is hereby enjoyned from time to time, to certifie the County Courts respectively the Names of all such Clerks of the Writts, who shall neglect to make their yearly return according to this Law, who upon such notice given, shall send for such Clerks, and do in the case as the Law requireth.

Penalty of not certifying

Clerk to return all Births deaths &c. to the County Court

3. It is Ordered and Declared, That every man ſhall have liberty to Record in the publick Rolls of any Court, any Teſtimony given upon Oath in the ſame Court, or before two Magiſtrates, or any Deed or Evidence legally confirmed, there to remain *in perpetuam rei memoriam.* *L. 1. p. 47.*

Liberty to record teſtimonies and evidences

And that every Inhabitant of the Country, ſhall have free liberty to ſearch and view any Rolls, Records or Regiſters of any Court or Office, except of the Council, and to have a Tranſcript or Exemplification thereof, Written, Examined and Signed by the hand of the Officer, paying the accuſtomed fees.

to view publick Records

And if any perſon or perſon repairing to any publick Officer of this Juriſdiction, to view any Record or Writings committed to his charge, ſhall wittingly and willingly Deface or Rent any ſuch Record or Writing, upon complaint of ſuch Officer to any Magiſtrate, and proof by Oath of the ſaid Officer, or other ſufficient Witneſs, every perſon ſo offending ſhall forfeit by the party concerned therein treble the damage that might have enſued or accrued to him or them thereby, and ſhall alſo be fined as much to the Country, or ſuffer two Months Impriſonment without Baile or Main-prize, or ſtand in the Pillory two hours in Boſton Market, with a Paper over his head written in Capital Letters, *A. 52. p. 9.*

Penalty of defacing Records

A DEFACER OF RECORDS.

the ſpecial or particular puniſhment to be determined by the next County Court where the Offence was committed, and ſhall alſo ſtand bound to the good Behaviour, during the pleaſure of the Court. [*1639, 42, 43, 44, 47, 52, 57.*]

Directions to Court-Officers to grant Copies, &c.

Reſolved upon the Queſtion, That the words *Rolls, Records,* or *Regiſter of any Court or office* contained in the Printed Laws, *tit. Records, &c. Sect. 3. pag. 69.* are to be Interpreted and underſtood only of ſuch Acts of Court as concern particular perſons in matters of Juſtice, Licence, Grant or Approbation; or of ſuch Laws as are of publick concernment. [*1665.*]

Seaſonable tranſcribing and delivery of matters of publick concern by the Secretary

WHereas by reaſon that the Orders of this Court, referring to the Commiſſionating, Appointing and Impowring any particular perſon or perſons for any ſpecial truſt, negotiation or other matter as from time to time do ariſe, are not duely and ſeaſonably Tranſcribed and Delivered to thoſe concerned therein, the expectation of this Court is many times diſappointed, and damage to the publick doth inevitably accrue;

It is therefore Ordered by this Court; That the Secretary, from time to time, within ten dayes after the end of every Seſſions of the General Court, ſhall Copy out all ſuch ſpecial Orders of this Court as aboveſaid, and deliver the ſame to the Marſhal General, who ſhall receive the ſame at the Secretaries houſe, and take Order for the ſpeedy and certain conveyance thereof, to thoſe whom they are eſpecially directed unto; And for ſuch Orders as do require a more ſpeedy diſpatch then the time above limited, the Officers above-named ſhall accordingly haſten the ſame.

To the Marſhal General

Marſhal General to attend the Treaſurers and Secretaries directions, &c.

Alſo the Marſhal General ſhall from time to time receive all Warrants that are to be ſent to the ſeveral Towns from the Country Treaſurer; as alſo the Laws that are at any time to be publiſhed, either Printed or Written, and cauſe them to be delivered according to the direction given him from the Treaſurer or Secretary. [*1668.*]

REPLEVIN.

IT is Ordered and by this Court Declared, That every man ſhall have liberty to Replevie his Chattel or Goods Impounded, Diſtreined, Seized or Extended, unleſs it be upon Execution after Judgement, and in payment of fines; Provided he put in good Security to proſecute the Replevin, and to ſatisfie ſuch Demand as his Adverſary ſhall recover againſt him in Law. [*1641.*]

SABBATH.

A. 53. p. 18. *Upon Information of ſundry Abuſes and Miſdemeanours committed by divers Perſons on the Lords-day, not only by Children playing in the Streets and other places; But by Youths, Maids and other perſons, both Strangers and others, uncivily walking in the Streets and Fields, travailing from Town to Town, going on Ship board, frequenting Common Houſes and other places to Drink, Sport or otherwiſe to miſpend that precious time, which thing tends much to the Diſhonour of God, the Reproach of Religion, Grieving the Souls of Gods Servants, and the Prophanation of his Holy Sabbath, the Sanctification whereof is ſometimes put for all Duties, immediately reſpecting the ſervice of God contained in the firſt Table;*

Prophaneſs of the Sabbath

It is therefore Ordered by this Court and the Authority thereof, That no Children, Youth, Maids or other perſons ſhall tranſgreſs in the like kinde, on penalty of being reputed great provokers of the high diſpleaſure of the Almighty God, and further incurre the penalty hereafter expreſſed, viz. That the Parents and Governours of all Children above ſeaven years old, (not that we approve younger Children in evil) for the firſt offence in that kinde, upon due proof before any Magiſtrate, Commiſſioner or Select man of the Town where ſuch offence ſhall be committed, ſhall be Admoniſhed; For a ſecond offence, upon due proof as aforeſaid, ſhall pay as a fine *five ſhillings*; And for a third offence, upon due proof as aforeſaid *ten ſhillings*; And if they ſhall again offend in that kinde, they ſhall be preſented to the County Court, who ſhall augment puniſhment according to the merit of the Fact.

Penalty

And for all Youths and Maids above *fourteen* years old, and all elder perſons

persons whatsoever, that shall offend and be convict as aforesaid, either for Playing, uncivil Walking, Drinking, Travailing from Town to Town, going on Ship board, Sporting, or any way mispending that precious time, shall for the first offence be admonished, upon due proof as aforesaid, for a second Offence, shall pay as a fine *five shillings*, and for the third offence *ten shillings*; And if any shall further offend that way, they shall be bound over to the next County Court, who shall augment punishment according to the nature of the offence: And if any be unable or unwilling to pay the aforesaid fines, they shall be whipped by the Constable, not exceeding *five stripes* for *ten shillings* fine, and this to be understood of such offences as shall be committed during the Day-light of the Lords day. [*1658.*]

2. *Whereas by too sad experience, it is observed, the Sun being set, both every Satterday, and on the Lords-day, young people and others take liberty to walk and sport themselves in the streets or fields, in the several Towns of this jurisdiction, to the Dishonour of God, and the Disturbance of others in their Religious exercises, and too frequently repair to publick Houses of Entertainment, and there sit Drinking, all which tends not only to the hindring of due preparation for the Sabbath, but as much as in them lyeth renders the Ordinances of God unprofitable, and threatens the rooting out of the power of Godliness, and procuring the wrath and judgement of God upon us and our posterity; For prevention whereof;* *A. 52.*

It is Ordered by this Court and the Authority thereof; That if any person or persons henceforth, either on the Satter-day-night, or on the Lords-day-night, after the Sun is set, shall be found sporting in the streets or fields of any Town in this Jurisdiction, Drinking, or being in any House of publick Entertainment (unless Strangers or Sojourners in their Lodgings) and cannot give a satisfactory Reason to such Magistrate or Commissioner in the several Towns as shall have the cognizance thereof: Every such person so found complained of, and proved transgressing, shall pay *five shillings* for every such Transgression, or suffer Corporal punishment as Authority aforesaid shall determine. [*1658.*] Drinking in Ordinaries after Sun set. Penalty

THis Court being sensible, that through the wicked practises of many persons, who do prophane Gods Holy Sabbaths, and contemn the publick Worship of his House, the Name of God is greatly dishonoured, and the Profession of his People here greatly scandalized, as tending to all Prophaneness and Irreligion; As also that by reason of the late Order of Octob. 20. *1663. remitting the fines imposed on such to the use of the several Towns, the Laws made for reclaiming such Enormities are become ineffectual;*

Do therefore Order and Enact; That henceforth all fines imposed according to Law for Prophanation of the Sabbath, Contempt or Neglect of Gods publick Worship, Reproaching of the Laws, and Authority here Established according to His Majesties Charter, shall be to the use of the several Counties, as formerly; Any thing in the aboveſaid Law to the contrary notwithstanding. And in case any person or persons so sentenced, do neglect or refuse to pay such Fine or Mulcts as shall be legally imposed on them, or give Security in Court to the Treasurer for payment thereof, every such person or persons so refusing or neglecting to submit to the Courts Sentence, shall for such his Contempt be Corporally punished, according as the Court that hath cognizance of the case shall determine: And where any are Corporally punished, their fines shall be remitted. [*1665.*] All fines for Prophanation of the Sabbath as formerly to be to the Counties &c.

For the better Prevention of the Breach of the Sabbath;

It is Enacted by this Court and the Authority thereof; That no ſervile work ſhall be done on that day, *namely*, ſuch as are not works of Piety, of Charity, or of Neceſſity, and when other works are done on that day, the perſons ſo doing, upon Complaint or Preſentment, being legally convicted thereof before any Magiſtrate or County Court, ſhall pay for the firſt offence *ten ſhillings* fine, and for every offence after to be doubled; and in caſe the offence herein be circumſtanced with Prophaneſs, or high handed Preſumption, the penalty is to be augmented at the diſcretion of the Judges.

Sabbath-breakers

As an addition to the Law, for preventing Prophaning the Sabbath day, by doing ſervile work;

This Court doth Order; That whatſoever perſon in this Juriſdiction ſhall Travail upon the Lords-day, either on Horſe-back or on Foot, or by Boats, from, or out of their own Town, to any unlawful Aſſembly or Meeting, not allowed by Law; are hereby declared to be Prophaners of the Sabbath, and ſhall be provided againſt as the perſons that Prophane the Lords-day, by doing ſervile work. [*1668.*]

SAILERS.

L. 2. P. 14. *Whereas many Miſcarriages are committed by Saylers, by their immoderate Drinking, and other vain expences in Ordinaries, which oftentimes occaſions prejudice and damage to the Maſters and Owners of the Veſſels to which they belong, their men being oftentimes Arreſted for Debts ſo made when their Ships are ready to ſet ſaile; For Prevention whereof;*

It is Ordered by this Court and the Authority thereof; That no Innekeeper, Victualler or other, Seller of Wine, Beer or Strong Liquors, ſhall after publication hereof, Arreſt, Attach, or recover by Law, any Debt or Debts ſo made by any Sayler or Saylors as aforeſaid, except the Maſter or Owner of ſuch Ship or Veſſel to whom ſuch Saylers belongs, have given under his hand to diſcharge the ſame; Any Law, Uſe or Cuſtome to the contrary notwithſtanding.

SALT.

Upon Information given to this Court of great damage accruing, both to Merchants and others, by reaſon no meet perſons are appointed for to meaſure Salt from ſuch Ships as arrive in our ſeveral Harbours;

This

This Court doth therefore Order and Enact; That there ſhall be in every Maritime Town, within this Juriſdiction, one meet perſon appointed by the Town from time to time, who ſhall diligently attend this ſervice, upon due notice given by either party concerned therein; and the ſame truely and faithfully to diſcharge, for which he ſhall be allowed *three half pence* for every Hogſhead, the one half to be paid by the Buyer and the other half by the Seller; *Salt to be meaſured*

And what Maſters of Ships or other Veſſels, or Merchants, ſhall fail in the obſervation of this Order, he or they ſhall forfeit to the Country *two ſhillings* for every Tunne ſo diſpoſed of, unleſs the parties ſhall otherwiſe agree.

SALT-PEETER.

WHereas this Court hath Encouraged and Authorized ſome Perſons to make Gun-Powder, and have promiſed to enable them thereunto, by ſuch Publick and Neceſſary Orders as may conduce to the effecting the ſame;

The conſideration whereof hath moved the Court hereby to Order and Enact, That the Select-men of every Town (where the Powder-makers Authorized by this Court ſhall deſire it) be Authorized and Required hereby to make and execute ſuch Orders in their reſpective Towns as they ſhall judgde meet (with the advice of skilful perſons) for increaſing and procuring of Salt-Peeter, and to impoſe ſuch penalties as the Select-men ſhall ſee meet, not exceeding *ten ſhillings* for one offence, upon all perſons that ſhall neglect or refuſe to perform ſuch Order or Orders for the propagating and increaſing of Salt Peeter in their reſpective Towns: *Select-men to make Orders with penalty to propagate Salt-Peeter, &c.*

And Moreover the ſaid Select-men are further Impowred to chooſe and appoint an Officer or Officers, and to allow him a convenient ſtipend Annually for his pains out of the fines or otherwiſe, to look to the executing ſuch Orders as they ſhall make in that behalf.

And it is further Ordered; That ſuch Select men, who ſhall neglect or refuſe to make, and effectually Execute ſuch neceſſary Orders as ſhall conduce to the ends aforeſaid, they ſhall be Preſented at the Court of that County, and there be fined for their neglect, at the diſcretion of the Court, not exceeding *five pounds* for one offence; And this Law to be put in Execution forthwith after the publication thereof, and this to continue during the Courts pleaſure. [*1666.*]

Seal-Publick.

IT is Ordered by this Court and the Authority thereof; That the Governour for the time being, or any other Officer to whom the cuſtody

of the Publick Seal is committed, do affix the publick Seal unto all Commiſſions for Military Officers, and to all other Commiſſions and Writings of publick concernment, that ſhall iſſue forth from this Court or the Council without paying any thing for the Seal; And the Secretary for the time, ſhall write and procure the Seal to be affixed, and deliver the ſaid Commiſſions and other publick Inſtruments to the parties concerned; and for his Fees of Writing and Wax, he is allowed *one ſhilling* for every Commiſſion or other publick Inſtruments, to be paid by the Treaſurer of the Country; And this Law to be in force, any Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1664.*]

SCHOOLS.

IT being the chief project of Sathan to keep men from the knowledge of the Scripture, as in former times, keeping them in unknown Tongues, ſo in theſe latter times, by perſwading from the uſe of Tongues, that ſo at leaſt the true ſenſe and meaning of the Original might be clouded and corrupted with falſe gloſſes of Deceivers; to the end that Learning may not be buried in the Graves of our fore Fathers, in Church and Common-wealth, the Lord aſſiſting our endeavours;

Schools in towns of 50 Families

It is therefore Ordered by this Court and Authority thereof; That every Town-ſhip within this Juriſdiction, after the Lord hath increaſed them to the number of *fifty* Houſe-holders, ſhall then forthwith appoint one within their Towns, to teach all ſuch Children as ſhall reſort to him to Write

how maintained

and Read, whoſe Wages ſhall be paid either by the Parents or Maſters of ſuch Children, or by the Inhabitants in general, by way of ſupply, as the major part of thoſe that Order the prudentials of the Town ſhall appoint; Provided that thoſe which ſend their Children be not oppreſſed by paying much more then they can have them taught for in other Towns.

Grammar ſchool

2. And it is further Ordered, That where any Town ſhall increaſe to the number of *one hundred* Families or Houſe-holders, they ſhall ſet up a *Grammar School*, the Maſter thereof being able to Inſtruct Youth ſo far as they may be fitted for the Univerſity: And if any Town neglect the

Towns neglect, to pay 5 li. per Annum to the next ſchool

performance hereof above one year, then every ſuch Town ſhall pay *five pounds per Annum* to the next ſuch School, till they ſhall perform this Order.

A. 54. p. 1.

3. *Foraſmuch as it greatly concerns the welfare of this Country, that the Youth thereof be Educated, not only in good Litterature, but in ſound Doctrine;*

Herodox School Maſter not to be allowed

This Court doth therefore commend it to the ſerious conſideration, and ſpecial care of our Overſeers of the Colledge, and the Select men in the ſeveral Towns, not to admit or ſuffer any ſuch to be continued in the Office or Place of Teaching, Educating or Inſtructing Youth or Children, in the Colledge or Schools, that have manifeſted themſelves unſound in the Faith, or ſcandalous in their Lives, and have not given ſatisfaction according to the Rules of Chriſt.

Whereas

WHereas the Law requires every Town consisting of one hundred Families or upwards to set up a Grammar School and appoint a Master thereof, able to instruct Youth, so as to fit them for the Colledge; and upon neglect thereof the said Town is to pay five pounds per Annum to the next Latin School, until they shall perform that Order;

A Grammar School to be in Towns of 100 Families

The Court upon weighty Reasons judge meet to Declare and Order; That every Town of one Hundred Families and upwards, that shall neglect or omit to keep a Grammar School, as is provided in that Law, such Towns shall pay ten pounds per Annum unto the next Town School that is settled according to that Law. [1671.]

SELF-MURTHER.

THis Court considering how far Satan doth prevail upon several persons within this Jurisdiction, to make away themselves, judgeth that God calls them to bear testimony against such wicked and unnatural practises, that others may be deterred therefrom;

Self murder, denied ordinary burials

Do therefore Order, That from henceforth, if any person Inhabitant or Stranger, shall at any time be found by any Jury to lay violent hands on themselves, or be wilfully guilty of their own Death, every such person shall be denied the priviledge of being Buried in the Common Burying place of Christians, but shall be Buried in some Common High-way where the Select-men of the Town where such person did inhabit shall appoint, and a Cart-load of Stones laid upon the Grave as a Brand of Infamy, and as a warning to others to beware of the like Damnable practises. [1660]

SHEEP.

WHereas the keeping of Sheep tends much to the benefit of the Country, and may in short time make good supply towards the cloathing of the Inhabitants if carefully preserved; and forasmuch as all places are not fit and convenient for that end;

L. 2 p. 14.

Liberty to Keep Sheep on all Commons

Five Sheep for one Cow

It is Ordered by this Court; That henceforth it shall be lawful for any man to keep Sheep on any Common, be it for Cows, Oxen or otherwise, belonging to the Town where he lives, or where at that time he may have Right of Common and that without limitation, in Commons not stinted, and in such Commons that are stinted, it shall be lawful for any Inhabitant to use any or all his proportion of Common for Sheep, accounting

of the Publick Seal is committed, do affix the publick Seal unto all Commiſſions for Military Officers, and to all other Commiſſions and Writings of publick concernment, that ſhall iſſue forth from this Court or the Council without paying any thing for the Seal; And the Secretary for the time, ſhall write and procure the Seal to be affixed, and deliver the ſaid Commiſſions and other publick Inſtruments to the parties concerned; and for his Fees of Writing and Wax, he is allowed *one ſhilling* for every Commiſſion or other publick Inſtruments, to be paid by the Treaſurer of the Country; And this Law to be in force, any Law, Cuſtome or Uſage to the contrary notwithſtanding. [*1664.*]

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A. 56, p. 12.

counting five Sheep for one Cow, Steer or Oxe; and further, it ſhall be lawful for the Select-men of every Town from time to time, to make ſuch Orders in their reſpective Towns, for the clearing of their Commons of Wood and Bruſh, for keeping of Sheep, as alſo for the fines of putting Rams to their Flocks, as they ſhall judge meet.

Select-men to order clearing of Commons for ſheeps paſture

2. It is further Ordered; That if any man ſhall courſe Sheep with a Dog, or otherwiſe moleſt them, by driving them from their feeding, he ſhall pay *five ſhillings* for every ſuch offence, beſides double damages, and if any dog ſhall kill any ſheep, the Owner ſhall either hang ſuch dog, or pay double damages for the ſheep, and if any dog hath been ſeen to courſe or bite Sheep before, not being ſet on, and his Owner hath had notice thereof, then he ſhall both hang his dog, and pay for ſuch Sheep as he ſhall either bite or kill; And if in ſuch caſe he ſhall refuſe to hang his dog, then the Conſtable of the Town upon notice thereof, ſhall forthwith cauſe it to be done.

Dogs killing ſheep to be hanged

A. 53. p. 18.

3. It is further Ordered; That all Owners of Sheep, who ſhall put their Wool ſo ſale, ſhall, and hereby are enjoyned yearly to waſh their Sheep in clear water. not being either ſalt, brackiſh or dirty, and ſhall take care they be not kept in dirty or ſandy Ground, between the time of waſhing and ſhearing; And in making up the Fleeces to take care no ſhort Locks, Lumps of dirt, or courſe Tails be wound up therein, upon the penalty of forfeiture of *twelve pence* a Sheep for all and every defect aforeſaid. [*1648, 53, 56.*]

Shee p to be waſhed before ſhorn,

wool to be made up clean

Ships, Ship-Carpenters.

WHereas the building of Ships is a buſineſs of great Importance for the Common good, and therefore ſuitable care ought to be taken, that it be well performed, according to the commendable courſe of England *and other places*;

Surveyors appointed to view all ſhips in building

It is therefore Ordered by this Court and the Authority thereof; That when any Ship is to be Built within this Juriſdiction, or any Veſſel above thirty Tunns, the Owner, or Builder in his abſence, ſhall before they begin to Plank, repair to the Governour or Deputy Governour, or any two Magiſtrates, upon the penalty of *ten pounds*, who ſhall appoint ſome able man to ſurvey the Work and Workmen from time to time, as is uſual in *England*, and the ſame ſo appointed, ſhall have ſuch liberty and power as belongs to his Office.

Their power

And if any Ship Carpenter ſhall not upon his Advice, Reform and Amend any thing which he ſhall finde to be amiſs, then upon complaint to the Governour, or Deputy Governour, or any two Magiſtrates, they ſhall appoint two of the moſt ſufficient Ship-Carpenters of this Juriſdiction, and ſhall Authorize them from time to time, as need ſhall require, to take view of every ſuch Ship and all works thereto belonging, and to ſee that it be performed and carried on according to the Rules of their Art.

Oath

And for this end an Oath ſhall be Adminiſtred to them, to be faithful and

and indifferent between the Owner and the Work man, and their charges shall be born by such as shall be found in default: And, those Viewers shall have power to cause any bad Timbers, or other insufficient Work or Materials to be taken out and amended at the charge of them through whose default it grows. [*1641, 47.*] Charges

2. It is Ordered by the Authority of this Court; That all Ships which come for Trading only from other parts, shall have free access into our Harbours, and quiet Riding there, and free liberty to depart without any molestation by us, they paying all such duties and charges required by Law in the Country, as others do. [*1645.*] *Repealed.*

THis Court having perused and considered the Letter received from his *Majesties most Honourable Privy Council*, dated the 24 of June last, *relating to an Act of Parliament, Entituled*, An Act for the Encouraging and Increasing of Shipping and Navigation; *As an Addition and Explanation of former Orders made by this Court concerning these Affairs*;

It is hereby Ordered and Enacted; That the several Officers hereafter mentioned, are hereby Deputed and Authorized to see that the said Act be performed, so far as it concerns the Government of this Plantation, both in seizing Ships or Vessels inhibibited by the said Act to Trade here, taking Bonds of all Ships and Vessels that Lades in our Ports any Commodities expressed in the said Act, of the Growth, Product or Manufactory of the English Plantations, who shall not produce certificate that they have given Bond already as the said Act requireth. Officers Authorized about Shipping

And in case of neglects or contempt, to seize such Vessels or Ships that Lades the aforesaid Goods without giving Bond or shewing Certificates: and to keep accounts of all such Ships and Vessels, with the Names of the Masters, that Lades here as aforesaid, and return an account twice every year, with Copies of the said Bonds and Certificates unto the Governour for the time being, by him to be transmitted to *London*, directed to the chief Officer there.

The Officers appointed are as followeth;

For the Ports of *Boston* and *Charlstown*, Mr. *Edward Ranson*.
For *Salem*, *Marble-head* and *Gloucester*, Mr. *Hilliard Veren*.
For the River of *Pascataqua* and *Isle of Shoals*, and *Ports adjacent*, Captain *Brian Pendleton*. Their Names

The Fees they are Authorized to take of every Ship-Master, are

For taking Bond, and Transcribing the Copy, *five shillings*.
For Receiving and Entring a Certificate, *two shillings six pence*.
For giving Certificate, and Recording it, *two shillings six pence*.
Their part of seizures as the said Act directeth. And Fees

Bonds of Ship-Maſters, &c.

And that all imployed in this truſt, do from time to time make return of all Bonds and Certificates by them paſſed to Mr. *Rawſon*, who by the Governours Advice ſhall make return thereof for *England*, as the Act of Parliament requireth: And that Mr *Rawſon* do from time to time preſent the Council of this Common-weal, or in default thereof the Court of Aſſiſtants, with true Accounts of all Bonds and Certificates, and Copies of all Letters that he ſhall ſend for *England*, in any wiſe referring to this matter.

Moreover it is Ordered; That the Secretary take ſpecial care forthwith to ſend by the firſt oportunity four Copies of the Councils, and one of the Copies of the Act of Parliament relating thereunto, to the four General Governments of *New-England*, viz. *Plimouth*, *Connecticot*, *New-Haven*, and *Road-Iſland*. [*1663.*]

Penalty for drinking healths &c. in ſhips or veſſels

BE it alſo Enacted by the Authority of this Court; That no Maſters of Ships, or Seamen, having their Veſſels Riding within any of our Harbours in this Juriſdiction, ſhall preſume to Drink Healths, or ſuffer any Healths to be drunk within their Veſſels by day or night, or to ſhoot off any Gun after the Day-light is paſt, or on the Sabbath-day, on penalty for every Health *twenty ſhillings*, and for every Gun ſo ſhot *twenty ſhillings*.

And the Captain of the Caſtle is hereby enjoyned to give notice of this Order to all Ships that paſs by the Caſtle. [*1663.*]

Ships of Burden to pay half a pound of Powder the Tun

IT is Ordered by this Court and the Authority thereof; That all Ships and Veſſels above *Twenty Tuns*, that Trade within our Ports belonging to other places; or that the greater part of the Owners thereof, are not Inhabitants of this Juriſdiction, ſhall pay half a pound of Gun-powder, or the full value thereof in money, for every Tun of Burthen they are of, every Voyage they make hither, towards Proviſions for Publick Fortifications, which is to be paid to the perſons hereafter named, or to whom they ſhall Depute under their hands.

For the Ports of *Boſton* and *Charls-town* Major General *Leveret*.
For *Salem* and *Marble-head*, Major *William Hauthorn*.
For *Paſcataqua River*, Mr. *Richard Cutts*.

And in caſe if Maſter or Commander of any ſuch Ships or Veſſels ſhall refuſe upon Demand to pay the ſame, it ſhall be lawful for the ſaid Gentlemen, or any one of them to ſend forth their Warrants to any Marſhal or Conſtable, to Diſtrein upon the Goods of ſuch Maſter or Commander, or on any of the Appurtinencies of their Veſſels for the ſame, with the charges thereof; And the Gentlemen appointed as aforeſaid, ſhall be accountable to the General Court when called thereunto, for what they ſhall receive by virtue of this Order, and are to deliver the Powder or Money they have in their Hands once every year or oftener unto the Surveyor General, excepting *one ſhilling* out of every *twenty ſhillings* they ſhall receive, which ſhall be allowed them for Defraying their neceſſary charges thereabout. [*1667.*]

To

TO prevent Calumny, Reproach and Prejudice to this Colony and the Inhabitants, and Trade thereof;

It is Ordered; That no perſon ſhall henceforth Trade or Truck with any Veſſel that ſhall Arrive upon our Coaſt, until the ſame ſhall come under command, and ride in our uſual Harbours, and have acknowledged the Government as the Law provides, upon the penalties of all ſuch Goods Traded, and ſuch further puniſhment as the Court of Aſſiſtants ſhall adjudge. [*1670.*]

All trade with ſhips Forbidden before the Government be acknowledged

SPINNING.

THis Court taking into ſerious Conſideration the preſent ſtreights and neceſſities of the Country, in reſpect of Cloathing, which is not like to be ſo plentifully ſupplied from forreign parts as in times paſt, and not knowing any better way or means conduceable to our ſubſiſtance, then the improving of as many hands as may be in Spinning Wool, Cotton, Flax, &c. *A. 55. p. 11.*

Doth therefore Order, and be it Ordered by the Authority of this Court; That all hands not neceſſarily imployed on other occaſions, as Women, Girls and Boyes, ſhall and hereby are enjoyned to Spin according to their skill and ability; and that the Select men in every Town do conſider the condition and capacity of every family, and accordingly do aſſeſs them at one or more Spinners;

Select men to appoint how much each family ſhall Spin

And becauſe ſeveral Families are neceſſarily imployed the greateſt part of their time in other buſineſs, yet if opportunities were attended, ſome time might be ſpared, at leaſt by ſome of them for this work;

The ſaid Select Men ſhall therefore Aſſeſs ſuch Families at half and quarter Spinners, according to their capacities.

And every one thus aforeſaid, for a whole Spinner, ſhall for time to come, Spin every Year for thirty Weeks, three pound a Week of Linnen, Cotton or Woollen, and ſo proportionably for half and quarter Spinners, under the penalty of *twelve pence* a pound ſhort.

And the Select Men ſhall take ſpecial care for the Execution of the Order, which may eaſily be effected by dividing their ſeveral Towns into *ten, ſix, five,* &c. parts, and to appoint one of the *ten, ſix or five,* &c. to take an account of their Diviſions, and to certifie the Select Men, if any be defective in what they are Aſſeſſed, who ſhall improve the penalties impoſed on ſuch as are negligent, for the encouragement of thoſe that are diligent in this work, [*1655.*]

STRAYES.

Finders of goods to give notice to the Conſt. to cry

IT is Ordered by this Court and the Authority thereof; That whoſoever ſhall take up any Stray Beaſt, or finde any Goods loſt, whereof the Owner is not known, he ſhall give notice thereof to the Conſtable of the ſame Town, within ſix dayes, who ſhall enter the ſame in a Book, and take Order that it be cryed at their next Lecture or General Town-meeting, upon three ſeveral dayes; And if it be above *twenty ſhillings* value, at the next Market or two next Towns publick Meetings where no Market is within *ten miles*, upon pain that the party ſo finding, and the ſaid Conſtable having ſuch notice and failing to do as is here appointed, to forfeit either of them for ſuch default, one third part of the value of ſuch Stray or loſt Goods:

Finders to apprize & Record loſt goods

And if the finder ſhall not give notice as aforeſaid, within one Month, or if he keep it more then three Months and ſhall not apprize it by indifferent men, and alſo Record it with the Recorder of the County Court where it is found, he ſhall then forfeit the full value thereof:

Reſtore the goods if the Owner appear in a year

And if the Owner appeareth within one Year after ſuch Publication, he ſhall have reſtitution of the ſame, or the value thereof, paying all neceſſary charges, and to the Conſtable for his care and pains, as one of the next Magiſtrates, or the three Commiſſioners of the Town ſhall adjudge. And if no Owner appear within the time prefixed, the ſaid Stray or loſt Goods ſhall be to the uſe of the finder, paying to the Conſtable *ten ſhillings*, or the fifth part of the value of ſuch Stray or loſt Goods, at the finders choice.

Stray beaſt to have a Wyth about the neck

And it is Ordered; That every ſuch finder ſhall put and keep from time time a Wyth or Wreath about the neck of every ſuch Stray Beaſt within one Moneth after ſuch finding, upon penalty of looſing all his charges that ſhall ariſe about it afterwards, (provided that no perſon ſhall from the firſt of *April* to the twentieth of *December*, take up any Horſe Gelding or Mare for a Stray, or account or uſe them as Strayes, though the Owner thereof be not known; unleſs it be taken Damage feizant in incloſures) Provided alſo, that if any Owner or other, ſhall take off ſuch Wyth or Wreath, or take away ſuch Beaſt before he hath diſcharged according to this Order, he ſhall forfeit the full value of the thing (apprized as aforeſaid) to the uſe of the finder. [*1647.*]

Taking off the Wyth, or taking away the beaſt forfeit the value

Addition to the Law of Strayes.

AS an Addition and Explanation of the Law tit. Strayes; *This Court finding that ſeveral inconveniences and troubles do ariſe about Strayes, Chattel and Horſes*, &c. *and that the temptation may be too great on ſome perſons in remote Towns and Farms, to take up Chattel*, &c. *and make Strayes of them, the whole benefit redounding to themſelves*;

To be cryed in the Town on which they have the Brand mark

This Court doth Order for the time to come, That all Strayes ſhall be firſt cryed in that Town of which they have the Brand mark; And that all ſuch Strayes and other loſt Goods contained in the ſaid Law, ſhall be entred with the County Recorder in each County, and by him transferred

to

to the Country Treaſurer within one Moneth; and in caſe the ſaid Goods and Strayes are not owned within one year, as is therein expreſſed, then the one half, or the value of one half ſhall be to the uſe of the Country, and the other half to the finder, the charges being firſt paid out of the whole. [1666.]

To be entred with the Recorder of the County

Half to the Country & the other half to the Finder

STRANGERS.

WHereas we are credibly informed that great miſchiefs have been done to other Plantations by reaſon of Commanders, Souldiers, and other Strangers; To prevent the like in this Juriſdiction; A. 51. p. 7.

It is Ordered by this Court and Authority thereof, That henceforth all Strangers of what quality ſoever, above the age of *ſixteen years*, Arriving in any Ports or Parts of this Juriſdiction, in any Ship or Veſſel, ſhall immediately be brought before the Governour, Deputy Governour, or two other Magiſtrates, by the Maſter or Mate of the ſaid Ship or Veſſel, upon penalty of *twenty pounds* for default thereof, there to give an account of their occaſions and buſineſs in this Country, whereby ſatisfaction may be given, and Order taken with ſuch Strangers as the ſaid Governour, Deputy Governour, two Magiſtrates, or the next County Court ſhall ſee meet, who ſhall keep a Record of the Names and Qualities of all ſuch Strangers, to be returned to the next General Court.

Strangers Arriving to be brought before the Governour

And for the Publications of this Order;

It is Ordered, the ſame to be Poſted upon the Doors or Poſts of the Meeting-houſes and other publick places in all the Port Towns of this Juriſdiction:

Capt of the Caſtle to give notice of this Order

And the Captain of the Caſtle ſhall make known this Order to every Ship or Veſſel as it paſſeth by, and the Conſtable of every Port Town ſhall endeavour to do the like to ſuch Ships or Veſſels before they Land their Paſſengers. [1651.]

And if any Strangers, or People of other Nations, profeſſing the true Chriſtian Religion, ſhall fly to us from the Tyrany or Oppreſſion of their Perſecutors, or from Famine, Wars or the like neceſſary and compulſory Cauſe, they ſhall be entertained and ſuccoured amongſt us according to that power and prudence God ſhall give us. [1641.] L. 1. p. 23.

Strangers to be ſuccoured

Every perſon within this Juriſdiction, whether Inhabitant or Stranger, ſhall enjoy the ſame Law and Juſtice that is general for this Juriſdiction, which we conſtitute and execute one towards another in all caſes proper to our cognizance, without partiality or delay. [1641.] L. 2. p. 32.

No Town or perſon ſhall receive any Stranger Reſorting hither with intent to Reſide in this Juriſdiction, nor ſhall allow any Lot or Habitation to any, or entertain any ſuch above three Weeks, except ſuch perſon ſhall have allowance under the hand of ſome one Magiſtrate, upon pain of every Town that ſhall give or ſell any Lot or Habitation to any not ſo Licenſed ſuch fine to the Country as the County Court ſhall impoſe, not exceeding *fifty pounds*, nor leſs then *ten founds*; And of every perſon receiving any ſuch for longer time then is hereby allowed, except

Strangers to have equal Juſtice

No Town or perſon to entertain ſtrangers without allowance

in caſe of entertainment of friends reſorting from other parts of this Country in amity with us, to forfeit as aforeſaid, not exceeding *twenty pounds*, nor leſs then *four pounds*; and for every Moneth after ſo offending ſhall forfeit as aforeſaid, not exceeding *ten pounds*, nor leſs then *forty ſhillings*.

Fisable

And every Conſtable ſhall inform the Courts of all new-comers, which they know to be admitted without Licenſe from time to time. [*1637, 38, 47.*]

Sureties and Goods Attached.

L. 1. p. 15.

Upon Information of ſome inconveniencies accruing to ſeveral perſons, in that men take themſelves acquitted and free from all legal obſervations in caſe of appearance in Courts, according to the expreſs tearms of the Bond, or at moſt if the Principal there ſtay till Verdict and Judgement be given (which if they be) they may then make away their Eſtates, or abſent their perſons before the twelve hours be expired for granting Execution, whereby the party recovering may either be deprived of, or much damaged in his juſt Rights;

Not diſcharged till Judgement be ſatisfied

It is therefore Ordered by this Court and the Authority thereof; That henceforth all Goods Attached upon any Action, ſhall not be releaſed upon the appearance of the party, or Judgement given, but ſhall ſtand engaged until the Judgement, or the Execution granted upon the ſaid Judgement be diſcharged:

or the perſon delivered to the Marſhal

Nor ſhall any Surety or Sureties for appearance in any Court, except in Capital or Criminal Caſes, be releaſed from his or their Bond until the Execution as aforeſaid be diſcharged and ſatisfied, or the Principal Perſon be ſurrendred into the hands of the Marſhal or his Deputy, who ſhall ſecure him till the Judgement be diſcharged, any Law, Cuſtome or Uſage to the Contrary notwithſtanding.

Goods & perſons Attached one month after Judgement releaſed

Provided alwayes That henceforth in all Civil proceedings (except in caſes where the Defendant is a Stranger) where Execution is not taken out and Executed within one Moneth after that Judgement is granted, all ſuch Attachments, whether on perſons or Eſtates, with Sureties, ſhall be releaſed and void in Law; any Law, Uſage or Cuſtome to the contrary notwithſtanding: unleſs the Court that granted the Judgement ſhall ſee cauſe to give further time, and reſpit of Execution in any particular caſe.

Swearing and Curſing.

Swearing 10, s.

IT is Ordered by this Court and Authority thereof; That if any perſon within this Juriſdiction, ſhall Swear raſhly or vainly by the Holy Name of

of God, or other Oath, he ſhall forfeit to the Common Treaſury for every ſuch offence *ten ſhillings*; and it ſhall be in the power of any Magiſtrate, by warrant to the Conſtable, to call ſuch perſon before him, and upon ſufficient proof to ſentence ſuch offender, and to give Order to leavie the fine; and if ſuch perſon be not able, or ſhall refuſe to pay the ſaid fine, he ſhall be committed to the Stocks, there to continue not exceeding three hours, nor leſs then one hour.

Swearing 10 s.

or ſit in ſtocks

2. And if any perſon ſhall ſwear more Oaths then one at a time, before he remove out of the Room or Company where he ſo Swears, he ſhall then pay *twenty ſhillings*.

L. 2. p. 14.

more Oaths then one 20 s.

The like penalty ſhall be inflicted for Prophane and Wicked Curſing of any Perſon or Creature, and for the multiplying the ſame, as is appointed for prophane Swearing; and in caſe any perſon ſo offending, by multiplying Oaths or Curſing, ſhall not pay his or their fines forthwith, they ſhall be whipt or committed to Priſon till they ſhall pay the ſame, at the diſcretion of the Court or Magiſtrate that ſhall have cognizance thereof.

like penalty for Curſing

SWINE.

IT is Ordered by this Court and the Authority thereof; That every Town-ſhip within this Juriſdiction, or the Select-men thereof, are impowred and hereby required from time to time, to make Orders for preventing all harms by Swine, in Corn, Meadows, Paſtures and Gardens, as alſo all danger to Children or elder perſons in any reſpects by Swine, and to impoſe penalties according to their beſt diſcretion, and to appoint one of their Inhabitants, by Warrant under the hands of the Select-men, or the Conſtable where no Select-men are, to leavie ſuch fines and penalties; and if any perſon choſen to ſee the Execution of this Order, ſhall neglect or refuſe the ſame, he ſhall forfeit *five pounds*, the one half to the Town, the other half to the party that accepts the place, and performs his duty therein.

Select-men to make Orders to prevent harms by Swine

A. 1658.

2. *And where Towns Border each upon other, whoſe Orders it may be are various*;

Satisfaction ſhall be made for harms done by Swine, according to the Orders of the Town where the damage is done.

Damage to be paid according to the Town Order where it is done

But if the Swine be Ringed and Yoaked, or otherwiſe, as the Orders of the Town to which they belong, doth require, then where no Fence is, or that it be inſufficient, through which the Swine come to Treſpaſs, the Owner of the Land or Fence ſhall bear all damages.

And it is hereby Declared; That all Fences made of Stone, Pales, Rails, Rivers, Creeks, or any other Fences which are allowed (by ſuch men as are appointed in the ſeveral Towns to view Fences) to be ſufficient againſt great Cattle, ſhall be held and accounted ſufficient againſt

No Fence no damage

A. 51. p. 4.

Fences ſufficient

Swine, and all Swine breaking through ſuch Fences, ſhall be liable to make ſatisfaction for all Damages done.

No owners appearing Swine to be priſed

3. And if any Swine be Impounded for Damage done, and there be kept three dayes, and that no perſon will own them, then the party Damnified ſhall give notice to the two next Towns, where any are within five miles Compaſs, that ſuch Swine are to be ſold by an Out-cry, within three dayes after ſuch notice by the party Damnified; and in caſe none will buy, he ſhall cauſe them to be Appriſed by two indifferent men (one whereof ſhall be the Conſtable or one choſen by him) ſignified under their hands in Writing, and may keep them for his own uſe. And in both caſes, if the Owner ſhall after appear, the overplus according to the ſaid valuation (all Damages and Charges being paid) ſhall forthwith be rendred to him.

And if any Town or Select men ſhall neglect to take Order for preventing harms by Swine according to this Law, more then *one Moneth* after publication hereof, ſuch Town or Select-men ſhall forfeit to the Treaſury-*forty ſhillings* for every Moneth ſo neglecting. [*1647, 31, 58.*]

TILE-EARTH.

IT is Ordered by this Court; That all Tile-Earth to make Sale Ware, ſhall be Digged before the *firſt of the ninth Moneth*, and turned over in the *laſt and firſt Moneth* enſueing, *a Moneth before it be Wrought*, upon pain of forfeiting one half part of all ſuch Tiles as ſhall be otherwiſe made, to the uſe of the Common Treaſury. [*1647.*]

TOBACCO.

IT is Ordered by this Court; That no man ſhall take any Tobacco within twenty Poles of any Houſe, or ſo near as may indanger the ſame, or near any Barn, Corn, or Hay-cock, as may occaſion the firing thereof, upon pain of *ten ſhillings* for every ſuch offence, beſides full Recompence of all Damages done by means thereof:

Nor ſhall any take Tobacco in any Inne or common Victual Houſe, except in a private Room there, ſo as neither the Maſter of the ſaid Houſe, nor any other Gueſt there ſhall take offence thereat, which if any do, then ſuch perſon ſhall forthwith forbear, upon pain of *two ſhillings ſix pence* for every ſuch offence. And all fines incurred by this Law, the one half part ſhall be to the Informer, the other to the Poor of the Town where the offence is done. [*1638, 47.*]

Tolling

Tolling of Cattle.

FOr the prevention of Fellonious practiſes growing upon us, by Stealing of Horſe-kinde, and other Neat Cattle, and ſelling them as their own;

It is Ordered by this Court and the Authority thereof, That there ſhall be a Toll-Book kept in every Town by the Clerk of the Writts, wherein all Horſe-kinde, and other Cattle as aforeſaid, bought of any perſon, ſhall be Entred, with their Age, Colour and Marks, at the peril of the Buyer, with the Name of the Seller, and ſuch Seller ſhall have two vouchers to Teſtifie the ſaid Seller to be the proper Owner of ſuch Horſe-kinde or other Cattle ſo ſold; or in caſe of Horſe-kinde or Cattle ſo ſold, ſhall be challenged by any other perſon, the Vouchers in caſe of the eſcape of the Seller, ſhall be liable to all damages that ſhall ariſe thereupon: And the Clerk of the Writts ſhall have *three pence* of the Buyer, for entring every ſuch Horſe-kinde, or Neat Cattle; And if any Horſe-kinde, or other Cattle as aforeſaid, ſo bought by any perſon be not Toll'd, nor Sellers, nor Vouchers found, upon challenge of any ſuch Cattle, the ſaid Buyer ſhall be liable to all Damages, as the Felon himſelf ſhould be were he preſent: And any perſon or perſons having loſt any Horſe-kinde, or other ſuch Cattle, ſhall have free liberty to ſearch any Toll Book in any Town, in any ſuch caſe. [*1668.*]

TOWN-SHIP.

WHereas particular Towns have many things which concern onely themſelves and the ordering their own affairs, and diſpoſing of buſineſs in their own Town; *L. 2. p. 19.*

It is therefore Ordered, That the Freemen of every Town, with ſuch others as are allowed, or the major part of them, ſhall have power to diſpoſe of their own Lands and Woods, with all the Priviledges and Appurtenances of the ſaid Towns, to grant Lots, and alſo to chuſe their own particular Officers, as Conſtables, Surveyors for the High-wayes, and the like Annually, or otherwiſe as need requires; And to make ſuch Laws and Conſtitutions as may concern the welfare of their Town; Provided they be not of a Criminal, but of a Prudential nature, and that their penalties exceed not *twenty ſhillings* for one offence, and that they be not Repugnant to the publick Laws and Orders of the Country.

Towns power to diſpoſe Lands

Chooſe officers

To make Orders

And if any Inhabitant ſhall neglect or refuſe to obſerve them, they ſhall have power to leavie the appointed penalty by Diſtreſs.

And if any man ſhall behave himſelf offenſively at any Town-meeting, the reſt then preſent ſhall have power to Sentence him for ſuch offence, ſo as the penalty exceed not *twenty ſhillings.*

2. And every Town-ſhip hath power to chuſe yearly, or for leſs time, a convenient number of fit men to order the Planting, and prudential Affairs of their Towns, according to inſtruction given them in Writing, Provided nothing be done by them contrary to the Laws and Orders of the Country, Provided alſo that the number of the Select-men be not above nine.

To chooſe Select-men

To diſpoſe of ſingle perſons

3. And all Towns ſhall take care, from time to time, to Order and Diſpoſe all ſingle perſons and in-mates within their Towns, to ſervice or otherwiſe, and if any be grieved at ſuch Order or Diſpoſal, they have liberty to Appeal to the next County Court.

A. 58.

1670.

4. And it is hereby Ordered and Enacted; That all Engliſh-men, that are ſettled Inhabitants and Houſe-holders in any Town, of the age of *twenty four years*, and of honeſt and good Converſations, being Rated at *eighty pounds* Eſtate in a ſingle Country Rate, and that have taken the Oath of Fidelity to this Government, and no other (except Freemen) may be choſen Select men, Jurors or Conſtables, and have their Vote in the choice of the Select men, for the Town Affairs, Aſſeſsments of Rates and other Prudentials proper to the Town; Provided alwayes the major part of the companies of Select-men be Freemen from time to time, that ſhall make a valid Act, as alſo where no Select-men are, to have their Vote in ordering Schools, Hearding of Cattle, laying out High-wayes, and Diſtributing Lands; Any Law, Uſe or Cuſtome to the contrary notwithſtanding.

Who may Vote in Towns

IT is Ordered; That in ſtead of the ſum of *twenty pounds* in the 4. Sect. *tit. Town-ſhips*, it ſhall be inſerted inſtead thereof *eighty pounds*; Provided this change of that ſum be not interpreted to exclude any perſon from the priviledge granted him formerly in that Law. [*1670.*]

A. 53. p. 18.

5. *Whereas Complaints have been made, that many* (eſpecially in Boſton) *who are meet and fit to ſerve the Country in the Office of Conſtable, take incouragement to withdraw from that ſervice by reaſon of the ſmalneſs of the fines that Towns have power to impoſe for ſuch refuſal*;

It is therefore Ordered, That henceforth it ſhall be lawful for the Town of Boſton, to impoſe the fine of *ten pounds*; and for all other Towns, to impoſe the fine of *five pounds* upon every ſuch perſon (being legally choſen in the reſpective Towns) that ſhall refuſe to ſerve in the Office of a Conſtable in the Town where he is choſen, if in his perſon he be able to execute it:

Power to fine ſuch as refuſe the Office of Conſtable

And the Select-men of every Town are hereby impowred to Order and Require the Conſtables to leavie the ſaid fines by Diſtreſs, which ſhall be to the uſe of the Town. [*36, 42, 47, 53, 58.*]

It

IT is Ordered; That hereafter no Cottage or Dwelling place ſhall be admitted to the priviledge of Commonage for Wood, Timber and Herbage, or any other the Priviledges that lye in Common in any Town or Peculiar, but ſuch as already are in being, or hereafter ſhall be Erected by the conſent of the Town. [1660.] Townſhips priviledge

IT is Ordered by this Court and the Authority hereof, That the following Order ſhall be directed and ſent by the Clerks of the ſeveral Shire Courts, to the Conſtables of the Towns within their Shire, who are enjoyned faithfully to execute the ſame; and if upon the Return made, it doth appear that the Select men are negligent in executing the Laws therein mentioned; the Court ſhall proceed againſt them by Admonition, or fine, as the merit of the caſe may require, and ſhall alſo diſpoſe of ſingle perſons, or ſtubborn Children or Servants to the Houſe of Correction, according to the intent of the Law, any Law, Cuſtome or Uſage to the contrary notwithſtanding.

To the Conſtable of A.

WHereas the Law publiſhed by the Honoured General Court, lib. 1. pag. 76. ſect. 3. *do require all Towns from time to time, to diſpoſe of all ſingle perſons and in-mates within their Towns to ſervice, or otherwiſe*, and in pag. 16. tit. Children and Youth;

It is required of the Select-men, that they ſee that all Children and Youth, under Family Government, be taught to read perfectly the Engliſh Tongue, have knowledge in the Capital Laws, and be taught ſome Orthodox Catechiſm, and that they be brought up to ſome honeſt imployment, profitable to themſelves and the Common-wealth; and in caſe of neglect on the part of the Family Governours, after Admonition given them, the ſaid Select men are required, with the help of two Magiſtrates, or next Court of that Shire, to take ſuch Children or Apprentiſes from them, and place them forth, with ſuch as will look more ſtraitly to them.

The neglect whereof, as by ſad experience from Court to Court abundantly appears, doth occaſion much ſin and prophaneſs to increaſe among us, to the diſhonour of God, and the enſnaring of many Children and Servants, by the diſſolute lives and practiſes of ſuch as do live from under Family Government, and is a great diſcouragement to thoſe Family Governours, who conſcientiouſly endeavour to bring up their Youth in all Chriſtian nurture, as the Laws of God and this Common-wealth doth require:

THeſe are therefore in His Majeſties Name, to require you to acquaint the Select-men of your Town, that the Court doth expect and will require, that the ſaid Laws be accordingly attended, the prevalency of the former neglect notwithſtanding: And you are alſo required to take a Liſt of

the Names of thoſe young perſons within the Bounds of your Town, and all adjacent Farms though out of all Town Bounds, who do live from under Family Government, viz. do not ſerve their Parents or Maſters, as Children, Apprentices, Hired Servants, or Journey-men ought to do, and uſually aid in our Native Country, being ſubject to their Commands and Diſcipline, and the ſame you are to return to the next Court to be held at on the day of and hereof you are to make a true Return under your hand, and not to faile.

WHereas in the Law tit. Town-ſhips, *The ſeveral Towns, and Select-men of the ſaid Towns, have power to impoſe Penalties as the Law directs; And whereas many Conſtables queſtion whether it be their Duty to ſerve Warrants from the Select-men for Perſons to appear before them, and to leavie fines: For the removal of ſuch Doubts, as an Addition to the ſaid Law;*

This Court doth Order and Require; That all Conſtables reſpectively, ſhall ſerve all Warrants from the Select-men, and leavie all ſuch fines as ſhall be impoſed by the ſaid Town or Select-men. [*1671.*]

TREASURERS.

To keep perfect Accompts

IT is Ordered by this Court and the Authority thereof; That the Country Treaſurer ſhall from time to time keep exact and perfect Books of Accompts, of all Tranſactions for the Country, and particularly of all Debts and Dues belonging to the Country, either by Forfeits, Fines, Rates, Gifts, Legacies, Rents, Cuſtoms, Impoſitions or otherwiſe, as by Whales, Ship-wracks, and things of like nature, where the Owner is not known, and the Country may claim a Privilege or Common Right unto; as alſo of all his Payments and diſburſements for the Countries uſe, which he ſhall not make but by virtue of ſome ſettled Cuſtome, Law or Order of this Court, or by ſpecial Order of this Court, or of the Council, nor ſhall he make any Payment to any perſon indebted to the Country till ſuch perſon either pay his Debt, or defaulk ſo much as is due to the Country

how to diſburſe

A. 54. p. 2.

2. And it is further Ordered; That henceforth there ſhall be Treaſurers Annually choſen in every County by the Freemen thereof, who ſhall give in their Votes in each Town, on the day of Voting for Nomination of Magiſtrates, which ſhall be ſent ſealed up by the ſame perſon to the Shire-meeting, and there opened before the Commiſſioners, who ſhall certifie the County Courts under their hands, the Name of the perſon choſen, Provided no Clerk or Recorder of any County Court ſhall be choſen Treaſurer for the County.

County Treaſurer, how choſen

No Clerk of Court to be Treaſurer

And the ſaid Treaſurers, ſhall from time to time, keep exact and perfect Book of Accompts of all Tranſactions of the County, and particularly

culariy of all Debts and Dues belonging to the County, either by Forfeits, Fines, Rates, Guiſts, Legacies, Rents, Cuſtomes or otherwiſe, as alſo all his Diſburſements for the Charges of the County Courts, Shire Commiſſioners, with all other peculiar charges of the County which he ſhall pay by Order of the County Court, except the *twenty pounds* due to the Major of the Regiment for the year of publick exerciſe, which ſhall be paid by the Country Treaſurer as heretofore.

To pay the charge of the County

3. And it is Ordered; That all fines ariſing in any County Court, or by Order of one Magiſtrate or Commiſſioners impowred in Criminal Caſes, ſhall from time to time be paid in to the Treaſurer of that County where the Delinquent party doth dwell, except only where any perſon ſhall be taken in the manner, and immediately cenſured by Authority in any other County where ſuch offence is committed. *A. 58.*

All Fin's ariſing in the County due to the County.

4. It is Ordered; That the Secretary of the General Court and Court of Aſſiſtants, and the Clerk or Recorder of every County Court, ſhall keep Books of Accompt, of all Dues ariſing within the cognizance of the reſpective Courts, by Entry of Actions, Fines or otherwiſe; as alſo a true account of the Fees of the Officers and other charges of the Court, which belongs to the reſpective Treaſurers to ſatisfie; and within *fourteen dayes* after the end of every Court, the ſaid Secretary and Clerk, ſhall deliver to the reſpective Treaſurers, a true Tranſcript of all Fines and other dues, payable to the Country or County, and the ſaid Treaſurers ſhall within one week after the Receipt of ſuch Tranſcript, direct his Warrant to the Marſhal or Conſtable for the leavying thereof.

Clerk of Courts to keep Accompts

To certifie the Treaſurer of all Dues in 14 dales

Treaſurer to order Marſhal to call

And if any Treaſurer, Secretary, Marſhal or Conſtable, make default herein, he ſhall ſuffer the penalty of making good all Damage that ſhall come thereby.

And every Treaſurer, for his pains and ſervice, is allowed *one ſhilling* in the pound of all fines received by him, and to be free from all Country and County Rates.

Treaſ allowance

And all Treaſurers are hereby enjoyned once every year, to give an account of all their Tranſactions; the Country Treaſurer to the General Court, or to ſuch as the ſaid Court ſhall appoint, and preſent the ſame at the Court of Election yearly.

To give a yearly Account

And the County Treaſurers ſhall likewiſe yearly preſent their Accompts to the County Courts; and if there be not enough in the Treaſurers hands to ſatisfie the charges of the County, the ſaid County Court ſhall give Warrant to leavie the Arrears upon the whole County by Rate, to be leavied upon each Town and Perſon (except ſuch as are Rate-free) in proportion with the County Rate next before going, to be collected by the Conſtables of each Town, who are hereby enjoyned to attend the ſame. [*1648, 54, 57, 58.*]

County Courts to raiſe Taxes to defray County charges

WHereas *the Law* tit. Treaſurers, *doth not ſo fully explain it ſelf, as is intended, in order to the Execution of the ſame, in reference to County Treaſurers*;

This Court Declare; That the ſame Power and Directions given to the Country Treaſurer in his place, is likewiſe intended to the County Treaſurer in his Place and Limits:

County Treaſ. power & duty

For the better diſcharge of his Duty, and that every Conſtable betruſted with the Collecting of any County Rate, which doth not within his year pay

in his reſpective County Rate, and make up his Accompts with the Treaſurer from which he had his Warrant ſo to do;

Such Conſtable ſhall forfeit to the County *forty ſhillings* for his neglect, and be liable to clear his Accompts within two Months; and that every County Treaſurer ſhall preſent the Names of ſuch Conſtables as ſhall neglect their duty to the next County Court; And that Corn or other Goods paid in to the County Treaſurers, ſhall be at the ſame priſes that this Court ſhall from time to time ſet for the Country Rate; Any Cuſtome or Uſage to the contrary notwithſtanding. [*1662.*]

TRYALS.

No cauſe to be firſt brought to the Gen. Court

IT is Ordered; That all cauſes between Party and Party, ſhall firſt be tryed in ſome Inferiour Court; and that if the party againſt whom the Judgement ſhall paſs, ſhall have any new Evidence, or other new matter to plead, he may deſire a new Tryal in the ſame Court upon a Bill of Review. And if Juſtice ſhall not be done him upon that Tryal, he may then come to this Court for Relief. [*1642.*]

Liberty for Tryals by Bench or Jury

2. It is Ordered, and by this Court Declared; That in all Actions of Law it ſhall be the liberty of the Plaintiffe and Defendant by mutual conſent to chooſe whether they will be tryed by the Bench, or by the Bench and Jury, unleſs it be where the Law upon juſt reaſon hath otherwiſe determined; the like liberty ſhall be granted to all perſons in any Criminal caſe.

Liberty to challenge

3. Alſo it ſhall be in the liberty of both Plaintiffe and Defendant, and likewiſe of every Delinquent to be judged by a Jury, to challenge any of the Jurors, and if the challenge be found juſt and reaſonable by the Bench or the reſt of the Jury, as the challenger ſhall chooſe, it ſhall be allowed him, and *tales de circumſtantibus* Impannelled in their room.

4. Alſo Children, Ideots, Diſtracted perſons, and all that are Stangers or new comers to our Plantation, ſhall have ſuch allowances, and diſpenſations in any caſe, whether Criminal or others, as Religion and Reaſon require. [*1641.*]

VAGABONDS.

THis Court being ſenſible of the increaſe of Prophaneſs and Irreligiouſneſs, by reaſon of the Vagrant and Vagabond life of ſundry perſons, as well Inhabitants as Forraigners, that wander from their Families, Relations and Dwelling

Dwelling places, from Town to Town, thereby drawing away Children, Servants, and other perſons, both younger and elder, from their lawful Callings and Imployments, and hardning the hearts of one another againſt all Subjection to the Rules of Gods Holy Word, and the Eſtabliſhed Laws of this Colony: All which to prevent;

This Court doth hereby Order and Enact; That all ſuch perſons, where ever they may be found in any place of this Juriſdiction, be Apprehended by the Conſtable of the ſaid place, with or without further Warrant, and and brought before the next Magiſtrate; who if upon Examination, ſhall finde them to be ſuch as do not give a good and ſatisfactory account of ſuch their Wandring up and down, they ſhall proceed with and againſt them as Rogues and Vagabonds, and cauſe them to be corporally puniſhed, and ſent from Conſtable to Conſtable, until they come to the place of their abode: Or in caſe they will not confeſs where their abode is within this Colony, nor yet voluntarily depart out of the ſame, then to be ſent to the Houſe of Correction, there to remain until the next Court of that County. [*1662.*]

Vagabonds and wandring perſons

VOTES.

IT is Ordered, and by this Court Declared; That all and every Freeman, and others Authorized by Law, called to give any Advice, Vote, Verdict or Sentence in any Court, Council or Civil Aſſembly, ſhall have freedome to do it according to their true Judgement and Conſcience, ſo it be done orderly and in-offenſively for the manner, and that in all caſes wherein any Freeman or other is to give his Vote, be it in point of Election, making Conſtitutions and Orders, or paſſing Sentence in any caſe of Judicature, or the like; if he cannot ſee Light or Reaſon to give it poſitively one way or other, he ſhall have liberty to be ſilent, and not preſſed to a determinate Vote, which yet ſhall be Interpreted and Accounted as if he Voted for the Negative.

Liberty of Voting

or to be ſilent

Neuters accounted on the negative

And further that whenſoever any thing is to be put to a Vote, and Sentence to be Pronounced, or any other matter to be Propoſed, or Read in any Court or Aſſembly, if the Preſident or Moderator ſhall refuſe to perform it, the major part of the Members of that Court or Aſſembly, ſhall have power to appoint any other meet perſon to do it, and if there be juſt cauſe, to puniſh him that ſhould, and would not. [*1651.*]

VSURY.

IT is Ordered, Decreed, and by this Court Declared; That no man ſhall be adjudged for the meer forbearance of any Debt, above *eight pound in the hundred*, for *one year*, and not above the Rate proportionably for all ſums whatſoever, (Bills of Exchange excepted) neither ſhall this be a colour or countenance to allow any Vſury amongſt us contrary to the Law of God.

[*1641, 43.*]

WAMPAMPEAG.

Repealed. 1661.

IT is Ordered; That Wampampeag ſhall paſs currant in the payment of Debts, to the payment of *forty ſhillings*, the white at *eight a penny*, the black at *four*, ſo as they be entire without breaches or deforming ſpots, except in payment of Country Rates to the Treaſurer, which no Town or perſon may do, nor he accept thereof from time to time. [*1643, 48, 49, 50.*]

WATCHING.

A. 52. p. 12.

FOr *the better keeping of Watches by the Conſtable in the time of peace*; It is Ordered by this Court and the Authority thereof; That all Conſtables Watches in every Town of this Juriſdiction, ſhall begin the firſt of *May*, and continue till the end of *September*, upon the penalty of *five pounds*, to be leavied on every Conſtable neglecting the ſame.

Conſtable to ſet the Watch

A. 57. p. 25.

And it ſhall be the care of the Conſtable, to ſee that the Watch be ſo warned, that it may not conſiſt of all, or the greater part Youths, but that able men be joyned with them, that the Watch may be a ſufficient Watch; unleſs the Select-men of that Town, who have hereby power, ſhall otherwiſe Order and Diſpoſe the ſaid Watches, both reſpecting time, place, number and quality of perſons, as to them ſhall ſeem moſt meet.

Select-men to order Watches

And all Inhabitants of this Juriſdiction (except ſuch as are by Law exempted) ſhall according as they are warned to ſerve the Country in the Conſtables Watches, duely and ſtrictly obſerve the charge given them by the Conſtables; And the Conſtables in every Town from time to time, are hereby enjoyned to give in their charge to Watch men, that they duely examine all Night-walkers after ten of the clock at night (unleſs they be known peaceable Inhabitants) to inquire whether they are going, and what their buſineſs is; and in caſe they give not reaſonable ſatisfaction to the Watch-men or Conſtable, then the Conſtable ſhall forthwith ſecure them till the morning, and ſhall carry ſuch perſon or perſons before the next Magiſtrate or Commiſſioner, to give ſatisfaction for their being abroad at that time of night. And if the Watch-men ſhall finde any Inhabitant or Stranger, after ten of the clock at night, behaving themſelves any wayes debauchedly, or ſhall be in drink, the Conſtable ſhall ſecure them, by commitment or otherwiſe, till the Law be ſatisfied.

Conſtables charg to the Watch

Night-walkers to be ſecured

Watch to cauſe lights to be put out

And further, the Conſtable is to give the Watch-men in charge, to ſee all noiſes in the ſtreets ſtilled, and lights put out (except upon neceſſary occaſions) for the prevention of danger by fire as much as may be.

L. 1. p. 52.

Neglect of Watching forfeit 5. s.

And every Conſtable ſhall preſent to one of the next Magiſtrates or Commiſſioners, the Name of every perſon, who ſhall upon lawful warning refuſe or neglect to Watch or Ward, either in perſon, or by ſome other ſufficient for that ſervice, and if being convented, he cannot give a juſt excuſe, ſuch Magiſtrate or Commiſſioner ſhall grant Warrant to any Conſtable, to leavie *five ſhillings* of every Offender for ſuch default, the ſame

ſame to be imployed for the uſe of the Watch of the ſame Town.

And it is the intent of this Law, that every perſon of able body (not excepted by Law) or of Eſtate ſufficient to hire another, ſhall be liable to Watch and Ward, or to ſupply by ſome other, when they ſhall be thereunto required; And if there be in the ſame Houſe divers ſuch perſons, whether Sons, Servants or Sojourners, they ſhall all be compellable to Watch as aforeſaid; Provided, that all ſuch as live or keep Families at their Farms, being remote from any Town, ſhall not be compellable to Watch and Ward in Towns. [*1636, 46, 52, 57.*]

Who compellable to Watch

THe Court underſtanding there is much inequality, in that divers are freed from thoſe Watches, whereof all do receive equal benefit, for an Explication of the Law concerning Conſtables watches;

Do Order, the Magiſtrates, Deputies of this Court for the time being, Elders of Churches, the publick ſworn Officers of the Country, with the Commiſſion Officers in each Trained Band, be freed from all ordinary Watches and Wards of the Conſtables, and no other perſons, except ſuch perſons as ſhall have ſpecial and perſonal Freedome by Order of this Court; any former Grant or Cuſtome notwithſtanding. [*1661.*]

Perſons exempt from Conſtables Watches

Weights and Meaſures.

TO the end Meaſures and Weights may be one and the ſame throughout this Juriſdiction;

It is Ordered by the Authority of this Court; That the Country Treaſurer ſhall provide upon the Countries charge, Weights and Meaſures of all ſorts, for continual Standards, to be Sealed with the Countries Seal, *viz. one Buſhel, one half Buſhel, one Peck, one half Peck, one Ale quart, one Wine pint, and half pint, one Eln, one Yard*, as alſo a ſet of Braſs Weights to four pound, which ſhall be after *ſixteen Ounces to the Pound*, with fit *Scales*, and *ſteal Beams* to weigh and try withal.

Standards to be provided by the Treaſurer

And the Conſtable of every Town within this Juriſdiction, ſhall within three Moneths after publication hereof, provide upon the Town charge, all ſuch Weights, at leaſt of Lead, and alſo ſufficient Meaſures as are above expreſt, tryed and Sized by the Country Standards, and Sealed by the ſaid Treaſurer, or his Deputy in his preſence, (which ſhall be kept and uſed only for Standards for their ſeveral Towns) who is hereby Authorized to do the ſame, for which he ſhall receive from the Conſtable of each Town *two pence* for every *Weight* and *Meaſure* ſo proved, ſized and ſealed. And the ſaid Conſtable of every Town, ſhall commit thoſe *Weights and Meaſures* unto the cuſtody of the Select-men of their Towns for the time being, who with the ſaid Conſtable are hereby enjoyned to chuſe one able man to be Sealer of ſuch *Weights* and *Meaſures* for their own Town from time to time, and till another be choſen, which man ſo choſen, they ſhall preſent to the next County Court, there to be ſworn to the faithful diſcharge of his duty, who ſhall have power to ſend forth his Warrants by the Conſtable, to all the Inhabitants of their Town to bring

Conſtables to provide Standards for Towns

Sealer to be choſen by the Select men

To be ſworn at the County Court

His duty

bring in all such *Measures* and *Weights* as they make any use of, in the second Moneth from year to year, at such time and place as he shall appoint, and make a return to the Sealer in Writing of all persons so summoned; that then and there all such Weights and Measures may be proved and sealed with the Town Seal, (such as in the Order for Town Cattle) provided by the Constable at each Towns charge; who shall have for every Weight and Measure so Sealed *one penny* from the Owners thereof at the first Sealing. And all such Measures and VVeights as cannot be brought to their just Standard, he shall deface or destroy; and after the first sealing shall have nothing so long as they continue just with the Standard.

his Fees

And that none may neglect their Duty herein;

It is further Ordered by the Authority aforesaid; That if any Constable, Select-men, or Sealer, do not execute this Order as to every of them appertains, they shall forfeit to the Common Treasury *forty shillings* for every such neglect, the space of one Moneth; and also that every person neglecting to bring in their VVeights and Measures at the time and place appointed, they shall pay *three shillings four pence* for every such default, one half part whereof shall be to the Sealer, and the other half to the Common Treasury, which the Sealer shall have power to leavie by distress from time to time. [*1647.*]

A. 55.

2. *This Court considering the Complaints of several Abuses, in Measuring Corn, Boards, and Cording of VVood*;

Select-men to appoint measures of Corn &c.

Doth Order, That it shall be in the power of the Select-men of every Town, to appoint one or two, or more as need shall require, who shall be sworn faithfully and uprightly, to Measure all such Corn, VVood or Boards, as they shall be called unto; and that no man shall be forced to receive any Corn, VVood or Boards, (except they agree thereunto) but such as is Measured by such person or persons so appointed and Sworn; the parties receiving the Corn, VVood or Boards, paying for the Measuring thereof. *1655.*

VVHARFAGE.

Rates for Wharfage

IT is Ordered by this Court and the Authority thereof; That these Orders shall be observed by all such as shall bring Goods to any VVharf, and these Rates following be allowed:

First, For VVood by the Tun *three pence*; for Timber by the Tun *four pence*; for Pipe staves by the thousand *ninepence*; for Boards by the thousand *six pence*. for Merchants Goods, whether in Cask or otherwise by the Tun, *six pence*; for Dry Fish by the Quintal *one penny*; for Corn by the Quarter *one penny and a half penny*; for great Cattle by the Head *two pence*; for Goats, Swine, or other small Cattle, except such as are sucking their Dams, by the Head *a half penny*; for Hay, Straw, and all such Combustable Goods, by the Load *six pence*; for Stones, by the Tun *a penny*; for Cotton VVool, by the Bag *two pence*; for Sugar, by the Chest *three pence*: Provided that VVharfage be taken only where the VVharfs are made and maintained; and that VVood, Stone and weighty Goods, shall be set up an end, or laid seaven foot from the side of the VVharf, upon penalty of double VVharfage, and so for other Goods, and that no Goods

Goods lye on the Wharf above forty eight hours without further agreement with the VVharfinger: And that it ſhall be lawfull for the VVharfinger to take according to theſe Rates out of the Goods that are Landed, except they be ſatisfied otherwiſe.

2. And it is further Ordered; That none ſhall caſt an Anker, Grapplin, or Killack, within or neer the Cove at Boſton, where it may indanger any other Veſſels, upon penalty of *ten ſhillings*, half to the Country, half to the VVharfinger, beſides paying all Damages. Caſting Ankor in the cove penalty.

3 And that it ſhall not be lawful for any perſon to caſt any Dung, Draught, Dirt, or any thing to fill up the Cove, or to annoy the Neighbours, upon penalty of *forty ſhillings*, the one half to the Country, the other half to the Wharfinger. [*1647.*] Caſting in dung penalty 40 ſh.

WILLS.

WHereas it is found by experience, that ſome men dying, having made their VVills for the diſpoſing of their Eſtates, that the ſaid VVills are concealed, and not Proved and Recorded; and ſome others dying Inteſtate, no Adminiſtration is ſought for, nor granted in any legal way, and yet the VVives, Children, Kinared, or ſome friends of the Deceaſed, or ſome others do enter upon the Lands, and poſſeſs themſelves of the Goods of the ſaid Deceaſed, and the ſame are many times ſold or waſted before the Creditors to whom the Deceaſed was indebted knew of whom to Demand, or how to recover their juſt Debts; For prevention of ſuch unjuſt and fraudulent dealings; L. 2. p. 16.

It is Ordered by this Court and the Authority thereof; That if any Executor Nominated in any Will, and knowing thereof, ſhall not at the next Court of the County, which ſhall be above thirty dayes, after the deceaſe of the party, make Probate of any VVill of any deceaſed party, or ſhall not cauſe the ſame to be Recorded, by the Recorder or Clerk of that County Court where the deceaſed party laſt dwelt, or if any perſon whatſoever, ſhall not within the ſame time take Adminiſtration of all ſuch Goods, as he hath or ſhall enter upon of any Party deceaſed, or if any perſon or perſons ſhall *Alienate* or *Imbezel* any *Lands* or *Goods*, before they have Proved and Recorded the *Will* of the Deceaſed, or taken Adminiſtration, and brought in a true Inventory of all the known Lands, Goods and Debts of the deceaſed; every ſuch perſon ſo Adminiſtring or Executing, ſhall be Liable to be Sued, and ſhall be bound to pay all ſuch Debts reſpectively, as the deceaſed party owed, whether the eſtate of the deceaſed were ſufficient for the ſame or not, and ſhall alſo forfeit to the Country ſo many ſumms of *five pounds* as ſhall be Months betwixt the next Court of that County, after the death of the party as aforeſaid, and the proving of ſuch VVill, and Recording it, or the taking of ſuch Adminiſtration. Wills to be proved next Court. Entring the eſtate without Adminiſtration obtained. Liable to pay all Debts. Five pound per month for not proving Wills.

And if any perſon ſhall Renounce his Executorſhip, or that none of the friends or kindred of the deceaſed party that ſhall dy inteſtate, ſhall ſeek for Adminiſtration of ſuch perſons eſtate, then the Clerke of the writts of If Executor renounce, the Clerk to give notice to Court.

ſuch Town where any ſuch perſon ſhall dy, ſhall within one Month after his deceaſe, give notice to the Court of that County to which ſuch Town doth belong, of ſuch Renouncing of Executorſhip, or not ſeeking of Adminiſtration, that ſo the Court may take ſuch Order therein as they ſhall think meet, who ſhall alſo allow ſuch Clerke due recompence for his paines, and if any ſuch Clerke ſhall faile herein, he ſhall forfeit *forty ſhillings* to the Treaſury for every months default. [*1649.*]

Or forfeit 40 ſs

A. 52. P. 15

2. *And becauſe many Merchants, Seamen and other Strangers, reſorting hither oftentimes, Dying and leaving their Eſtates undiſpoſed of, and very difficult to be preſerved in the interim from one County Court to another:* It is therefore Ordered, that it ſhall and may be Lawfull for any two Magiſtrates with the Recorder or Clerk of the County Court, Meeting together, to allow of any Will of any deceaſed party, to the Executors or other perſons in the VVill mentioned, ſo as the VVill be teſtified on the Oath of two or more *VVitneſſes*, and alſo to Graunt Adminiſtration to the Eſtate of any perſon dying inteſtate within the ſaid County, to the next of Kin, or to ſuch as ſhall be able to ſecure the ſame for the next of Kin, and the Recorder or Clerk of the Court, ſhall enforme the reſt of the Magiſtrates of the County, at the next County Court, of ſuch VVill proved or Adminiſtration Graunted, and ſhall Record the ſame. [*1652.*]

Two Magiſtrates to take probate of Wills.

To graunt Adminiſtration

L. 1. P. 53.
L. 2. P. 6.

3. And it is Ordered, that when the Husband or Parents dy inteſtate, the County Court of that Jurisdiction where the party had his laſt Reſidence, ſhall have Power to aſſign to the widdow, ſuch a part of his eſtate as they ſhall judge juſt and equal; as alſo to divide and aſſigne to the Children or other Heires their ſeveral parts and portions out of the ſaid eſtate. Provided, the Eldeſt Son ſhall have a double Portion, and where there are no Sons, the Daughters ſhall inherit as Copartners, unleſs the Court upon juſt Cauſe alledged ſhall otherwiſe determine. [*1641, 49.*]

County Court to divide the eſtate undiſpoſed.

Eldeſt Son a double portion

VVITNESSES.

IT is Ordered, Decreed and by this Court Declared, that no man ſhall be put to Death, without the Teſtimony of two or three *Witneſſes*, or that which is equivalent thereunto. [*1641.*]

2. And it is Ordered by this Court and the Authority thereof, That any one Magiſtrate or Commiſſioner Authorized thereunto by the General Court, may take the Teſtimony of any perſon of fourteen yeares of age, or above; of ſound underſtanding and reputation, in any Caſe, Civill or Criminal, and ſhall keep the ſame in his own hands till the Court, or deliver it to the Recorder, publick Notary or Clerk of the writts, to be Recorded, that ſo nothing may be altered in it. Provided that where any ſuch witneſs ſhall have his abode within ten miles of the Court, and there living and not diſenabled by ſickneſs or other infirmity, the ſaid Teſtimony ſo taken out of Court, ſhall not be received or made uſe of in the Court, except the witneſſes be alſo preſent to be further Examined about it.

Teſtimonies taken before one Magiſtrate.

Witneſſes to appear perſonally living within ten miles

Provid

Provided also that in all Capital Cases, all Witnesses shall be present, wheresoever they dwell.

Add in Capital Cases,

3. And it is further Ordered by the Authority aforesaid, That any person Summoned to appear as a Witness in any Civil Court between party and party, shall not be compellable to travail to any Court or place where he is to give his Testimony, except he who shall so Summon him shall lay down or give him satisfaction for his Travail & Expences outward and homeward, and for such time as he shall spend in attendance in such case when he is at such Court or place, the Court shall Award due Recompence. And it is Ordered that *two shillings* a day shall be accounted due satisfaction to any witness for Travail and Expences, and that when the witness dwelleth within *three miles* and is not at charge to pass over any other Ferry then betwixt *Boston & Charlstown*, then *one shilling six pence per diem* shall be accounted sufficient, and if any witness after such payment or satisfaction, shall faile to appear to give his Testimony, he shall be liable to pay the parties damages upon an action of the Case. And all Witnesses in Criminal Cases shall have suitable satisfaction payd by the Treasurer, upon Warrant from the Court or Judge before whom the Case is tryed.

Witness to have allowance for charges laid down.

Two shillings a day

One shilling six pence a day.

Witnes not appearing to pay damage.

And for a General Rule to be observed in all Criminal Cases, both where the Fines are put in certain, and also where they are otherwise;

In Criminal Cases witnes to be paid by the Treasurer, and levyed on the Delinquent.

It is further Ordered by the Authority aforesaid, that the charges of witnesses in all such Cases shall be born by the parties delinquent, and shall be added to the Fines imposed, that so the Treasurer haveing upon Warrant from the Court, or other Judge satisfied such Witnesses, it may be repayed him with the fine, that so the witnesses may be timely satisfied and the Country not damnified. [*1647.*]

WOLVES.

A. 48.

WHereas *great Loss and Damage doth befall this Common-wealth by reason of* Wolves, *which destroy great numbers of our Cattle, notwithstanding provision formerly made by this Court for suppressing of them: therefore for the better incouragement of any to set about a work of so great concernment;*

Law about Wolves.

It is Ordered by this Court and the Authority thereof, that any person either English or Indian that shall kill any *Wolfe* or *Wolves*, within ten miles of any Plantation in this Jurisdiction, shall have for every *Wolfe* by him or them so killed *ten shillings*, paid out of the Treasury of the Country; Provided that due proof be made thereof unto the Plantation next adjoyning where such *Wolfe* or *wolves* were killed: And also they bring a Certificate under some Magistrates hand, or the Constable of that place unto the Treasurer; Provided also that this Order doth intend only such Plantations as do Contribute with us to publick charges, and for such Plantations upon the River of *Piscataway* that do not joyn with us to carry on publick charges, they shall make payment upon their own charge. [*1645.*]

BEſides all other Conſiderations and Proviſions for the deſtruction of Wolves; It is Ordered by this Court and the Authority thereof; That every ſuch Indian or Indians, as ſhall any way deſtroy any *Wolfe* or *Wolves*, and deliver the Heads of ſuch Wolves unto the Select men of any Townſhip in this Juriſdiction; ſhall receive of ſuch Select men, either two pounds of Powder, and eight pounds of Shot, or one pound of powder, and four pounds of ſhot, and five ſhillings in Corne or other pay, or elſe they ſhall receive of the Country Treaſurer, Ten ſhillings a head, and no powder and ſhot, which ſuch Indian ſhall chuſe; and ſuch Select men as ſhall pay any Indian according to their order, ſhall rebate it out of their next Country Rate with the Treaſurer; any Law or Cuſtome to the contrary notwithſtanding, and all Select men or others that by virtue of this Order or any other, ſhall make payment for any Wolves, ſhall cut off the Eares of all ſuch Wolves heads, and cauſe them to be buried, that ſo none may be twice paid for. [*1661.*]

THis Court doth Order, as an Encouragement to perſons to deſtroy Wolves; That henceforth every perſon killing any Wolfe, ſhall be allowed out of the Treaſury of that County where ſuch Wolfe was Slain, *Twenty ſhillings*, and by the Town *Ten ſhillings*, and by the Country Treaſurer *Ten ſhillings*; which the Conſtable of each Town (on the ſight of the eares of ſuch Wolves being cut off) ſhall pay out of the next Country Rate, which the Treaſurer ſhall allow. [*1662.*]

WOOD.

FOr the *avoyding of Injuries by Carts and Boats, to Seller and Buyers of Wood*;

It is Ordered by this Court and the Authority thereof; That where Wood is brought to any Town or Houſe by Boat, it ſhall be thus Accounted and Aſſized; A Boat of *four Tuns* ſhall be accounted three Loads, *twelve Tuns*, nine Loads, *twenty Tun*, fifteen Loads, *ſix Tun*, four Load and halfe, *fourteen Tun*, ten Load and halfe, *twenty four Tun*, eighteen Load, *eight Tun*, ſix Load, *ſixteen Tun*, twelve Load, *twenty eight Tun*, twenty one Load, *ten Tun*, ſeven Load and halfe, *eighteen Tun*, thirteen Load and halfe, *thirty Tun*, twenty two Load and halfe.

Except ſuch Wood as ſhall be ſold by the Cord, which is and is hereby Declared, to be Eight foot in length, four foot in height, and four foot broad. [*1646, 1647.*]

Workmen

WORKMEN.

BEcauſe the harveſt of Hay, Corn, Hemp and Flax, comes uſually ſo neer together, that much liſs can hardly be avoyded;

It is therefore Ordered by the Authority of this Court, That the Conſtables of every Town upon Requſt made to them, ſhall Require any Artificers or handy-crafts men meet to Labour, to work by the day for their Neighbours in *mowing, reaping of Corn*, and *inning thereof*,; Provided that thoſe men whom they work for, ſhall duely pay them for their work;

And that if any perſon ſo Required ſhall refuſe, or the Conſtable neglect his Office herein, they ſhall Each of them pay to the uſe of the Poor of the Town, double ſo much as ſuch Dayes work comes unto;

Provided no Artificer or Handy-crafts-man ſhall be compelled to Work as aforeſaid, for others whiles he is neceſſarily attending on the like Buſines of his owne. [*1646.*]

WRECKS OF THE SEA.

IT is Ordered, Decreed, and by this Court Declared; That if any Ships or other Veſſells, be it Friend or Enemy, ſhall ſuffer Ship-wreck upon our Coaſts; there ſhall be no violence or wrong offered to their Perſons or Goods, but their Perſons ſhall be Harboured and Releived, and their Goods preſerved in ſafety, till Authority may be Certified and ſhall take further Order therein.

Alſo any Whale, or ſuch like great Fiſh caſt upon any ſhore, ſhal be ſafely kept, or improved where it cannot be kept, by the Towne or other Proprietor of the Land, till the General Court ſhall take Order for the ſame. [*1641, 1647.*]

WRITS.

IT is Ordered by this Court and the Authority thereof, That henceforth all Writts, Proceſs and Indictments, ſhall by all Magiſtrates, the Secretary, Clerks of the ſeveral Courts and Writts, be made and ſent forth in his Majeſties Name: *i. e.* You are hereby Required in his Majeſties Name &c: [*1662.*]

FINIS

PRESIDENTS & FORMES of things frequently Used.

Summons

TO [*I. B*] Carpenter, of [*D.*] You are Required in His Majesties Name to appear at the next Court, holden at [*B.*] on the day of the month next ensuing; to answer the complaint of [*N.C.*] for with-holding a debt of due upon a *Bond* or *Bill*: or for two Heifers &c. sold you by him; or for work, or for a Trespass done him in his Corn or Hay by your Cattle, or for a Slander you have done him in his name, or for Striking him, or the like; And hereof you are not to fayle at your Peril. Dated the day of the Month. [*1641.*]

Attachments.

TO the Marshall or Constable of [*B.*] or their Deputy. You are Required in His Majesties Name to Attach the Goods, or for want thereof the Body of [W.F.] and to take Bond of him to the value of with sufficient Surety or Suretyes for his Appearance at the next Court holden at [*S.*] on the day of the Month; then and there to answer the Complaint of [*T. M.*] for &c. *as before.* And so make a true Return thereof under your hand. Dated the day &c.

By the Court *R. F.*

Bond for Appearance

KNow all men by these presents, that we [*A.B.*] of [*D.*] Yeoman, and [*C. C.*] of the same, Carpenter, do bind our selves, our Heires and Executors to [*R. F.*] Marshall, or [*M. O.*] Constable of [*D.*] aforesaid, in Pounds upon condition that the said [*A. B.*] shall personally appear at the next Court at [*S.*] to answer [*L. M.*] in an Action of And to abide the Order of the Court therein, and not to depart without Licence.

Replevin.

TO the Marshall or Constable of You are Required in His Majesties Name, to Replevie three heifers of [*T. P.*] now distreined or impounded by [*A. B,*] and to deliver them to the said [*T. P:*]

Provided he give Bond to the Value of with sufficient Surety or Suretyes to prosecute his Replivin at the next Court holden at [*B.*] and so from Court to Court till the Cause be ended; and to pay such Costs and Damages as the said [*A. B.*] shall by Law Recover against him; And so make a true return thereof under your hand. Dated &c.

By the Court *R. F.*

Commissioners for the United Colonies,

Their Power

WHeras upon serious Consideration, *We have concluded a Confederacie with the English Colonies of New-Plimouth, and Conecticut, as the Bond of Nature, Reason, Religion and Respect to our Nation doth Require;*

We have this Court, Chosen our Trustie and well beloved Friends, [*S. B.*] and [*T. D.*] for this Colonie; for a full and compleat Year, as any Occasions and Exigents may Require, and particlarly for the next meeting at [*P.*] And do Invest them with full Power and Authority, to Treat and Conclude of all things, according to the true Tenour and Meaning of the Articles of Confederation of the United Colonies, Concluded by the General Court held at *Boston* the *fifteenth of May.* [*16.72*]

Oath of Fidelitie.

WHereas I [*A. B.*] am an Inhabitent within this Jurisdiction, Considering how I stand Obliged to the Kings Majesty, his Heires and Successors, by our Charter and the Government Established thereby; Do Swear accordingly by the great and dreadfull Name of the Ever-Living God, that I will bear Faith and true Allegiance to our Soveraingn Lord the King, his Heires and Successors; and that I will be True and Faithfull to this Government, and accordingly yeild Assistance thereunto, with my person and estate, as in equity I am bound;

And will also truely endeavour to Maintain and Preserve all the Liberties and Priviledges thereof, Submiting my self unto the wholesom Laws made and established by the same.

And farther that I will not Plot or practice any evill against it, or consent to any that shall so do: but will timely discover and reveal the same to Lawfull Authority now here established, for the speedy preventing thereof. So help me God in our Lord Jesus Christ.

Freemans Oath.

WHereas I [*A. B.*] being an Inhabitant of the Jurisdiction of the *Massachusets*, and now to be made free; Do hereby acknowledge my selfe to be subject to the Government thereof (Considering how I stand obliged to the Kings Majesty, his Heires and Successors, by our Charter and the Government established thereby: Do Swear accordingly, by the Great and Dreadfull Name of the Ever-Living GOD, that I will bear Faith and true Alegiance to our Soveraigne Lord the King, his heires and Successors,) and that I will be True and Faithfull to the same, and will accordingly yeild Assistance and Support thereunto with my person and estate, as in equity I am bound; And will also truely endeavour to maintain and preserve all the Liberties and priviledges thereof, submitting my selfe to the wholesome Laws made and established by the same;

And farther that I will not Plot nor Practice any Evill against it, or consent to any that shall so do, but will timely discover and reveal the same to

Law

Lawfull Authority now here established; for the speedy prevention thereof.

Moreover I do Solemnly bind my selfe in the sight of God, that when I shall be called to give my Voyce touching any such matter of this State wherin Freemen are to deal, I will give my Vote and Suffrage as I shall in mine own Conscience judge best to Conduce and tend to the Publick Weale of the body, without respect of persons or favour of any man. So help me God in our Lord Jesus Christ.

Governours Oath.

WHereas you [*R. B.*] *Esq.* are Chosen to the place of *Governour*, over this Jurisdiction of the *Massachusets*, for this year, and till a new be Cosen and Sworn, Considering how you stand Obliged to the Kings Majesty, his Heires and Successours, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, that you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heirs and Successors; that you will in all things concerning your place according to your best power and skill, Carry and Demean your self for the said time of your Government, according to the Lawes of God, and for the Advancement of his Gospel, the Laws of this Land and the good of the people of this Jurisdiction.

You shall do Justice to all men without partiallity, as much as in you lyeth, you shall not exceed the Limitations of a Governour in your place. So help you God, in our Lord Jesus Christ.

Deputy Governours Oath.

WHereas you [*I. L.*] are Chosen to the place of the *Deputy Governour* &c: as in the Governours Oath, *mutatis mutandis.*

Assistants Oath.

WHereas you [*S. B.*] are Chosen to the place of Assistant over this Jurisdiction of the *Massachusets*, for this year and untill new be chosen and Sworn; Considering how you stand Obliged to the Kings Majesty, his Heirs and Successors, by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever-Living God, That you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heirs and Successours; That you will truely endeavour according to your best skill to carry and demean your selfe in your place for the said time, according to the Laws of God and of this Land, for the Advancement of the Gospel, and the good of the People of this Jurisdiction; You shall Dispense Justice equally and impartially, according to your best skill in all Cases wherein you shall Act, by Virue of your place; You shall not wittingly and willingly exceed the Limitations of your place, And all this to be understood during your aboad in this Jurisdiction. So help you God in our Lord Jesus Christ.

Major Generals Oath.

WHereas you [*I. L.*] have been Chosen to the Office of a *Sergeant Major General*, of all the *Military Forces* of this Jurisdiction for this present year, Considering how you stand Obliged to the

Kings Majesty, his Heirs and Successors by our Charter and the Government established thereby; Do Swear accordingly by the Great and dreadfull Name of the Ever Living God, That you will bear Faith and true Allegiance to our Soveraigne Lord the King, his Heires and Successours; And that by your best skill and ability you will Faithfully discharge the Trust committed to you, according to the Tenour and Purport of the Commission given you by this Court. So help you God &c.

Treasurers Oath

WHereas you [*R. R.*] are Chosen *Treasurer* for the Jurisdiction of the *Massachusets* for this year and until a new be Chosen, Do promise to give out Warrants with all convenient diligence for collecting all such sums of Money as by any Court, or otherwise have been, or shall be appointed, and to pay out the same by such sums, and in such manner as you shall be lawfully appointed by this Court, if you shall have it in your hands of the common Treasury. And to return the names of such Constables as shall be failing in their office in not collecting and bringing in to you such sums as you shall give Warrant for: And render a true Accompt of all things concerning your said Office, when by the General Court you shall be called thereto. So help you God in our Lord Jesus Christ.

Secretaries Oath

WHereas you [*E. R.*] are chosen Secretary for the year ensuing; You do here Swear by the Everliving God, that you will in all things faithfully demean your self in the said Office; That you will truely and uprightly, according to your best skill and Wisdome frame all Acts and Instruments of publick concernment referring to your Office, duely observing such Directions as shall from time to time be given unto you by the General Court or Council of this Common-weal, and fairly Record, and safely keep the same: That you will not disclose the consultations of the General Court where at any time you shall have expres charge of secresie, nor of the Council where at any time you shall have like charge of secresie: That you will without delay impart to the Governour or Deputy Governour, what ever Letter or Information shall come to your hand, referring to your Office, and of publick Concernment to the Common-weal, General Court or Council; and that you will not wittingly or willingly exceed the limits of your place. So help, &c.

Publick Notaries Oath.

YOu [*W. A.*] here Swear by the Name of the Everliving God; That in the Office of a Publick Notary to which you have been chosen; You shall Demean your self diligently and faithfully according to the duty of your Office; and in all Writings, Instruments and Articles that you are to give Testimony unto when you shall be required, you shall perform the same truely and sincerely according to the nature thereof, without delay or Covin. And you shall enter and keep a true Register of all such things as belong to your Office. So help you, &c.

You

YOU [*E. M.*] ſhall diligently, faithfully, and with what ſpeed you may, collect and gather up all ſuch fines and ſums of money, in ſuch Goods as you can finde of every perſon, for which you ſhall have Warrant ſo to do by the Treaſurer for the time being; And with like faithfulneſs, ſpeed and diligence, leavie the Goods of every perſon, for which you ſhall have Warrant ſo to do, by virtue of any Execution granted by the Secretary or other Clerk Authorized thereunto for the time being: And the ſame Goods ſo Collected or Leavied, you ſhall with all convenient ſpeed deliver in to the Treaſurer, or the perſons to whom the ſame ſhall belong; And you ſhall with like care and faithfulneſs ſerve all Attachments directed to you which ſhall come to your hands, and return the ſame to the Court where they are returnable, at the times of the return thereof. And you ſhall perform, do, and execute all ſuch lawful Commands, Directions and Warrants, as by lawful Authority here eſtabliſhed, ſhall be committed to your care and charge according to your Office. All theſe things in the preſence of the living God, you binde your ſelf unto by this your Oath, to perform during all the time you continue in your Office, without favour, fear, or partiality of any perſon. And if you meet with any caſe of difficulty, which you cannot reſolve by your ſelf, you may ſuſpend till you may have Advice from Authority: So help. &c. *Marſhals Oath*

FOraſmuch as every *Magiſtrate, Aſſociate, Commiſſioners for ſmall Cauſes, &c. are under an Oath of God, and that no proviſion hath been made for ſuch as are inveſted with Magiſtratical power by this Court*;

It is Ordered; That every man to whom ſuch power is derived, ſhall henceforth take the Oath here under written before ſome County Court or Magiſtrate, before he Exert his Authority therein:

WHereas you [*A. B.*] Appointed and Commiſſionated to Act and Do in ſundry reſpects as any one Magiſtrate may do, as expreſſed in your Commiſſion; You do here Swear by the Great and Dreadful Name of the Everliving God, that you will faithfully Demean your ſelf therein, without favour or affection to any, to the beſt of your knowledge, according to the Laws here eſtabliſhed: So help you God, &c. *Commiſſioners Oath*

YOU [*M. N.*] being choſen Aſſociate for the Court for this year, and till new be choſen, or other Order taken; Do here Swear, that you will do equal Right and Juſtice in all Caſes that ſhall come before you, after your beſt skill and knowledge according to the Laws here eſtabliſhed, So help you God, &c. *Aſſociates Oath*

WHereſoever *any Three Men are deputed to end Small Cauſes, the Conſtable of the place within one Moneth after ſhall return their Names to the next Magiſtrate, who ſhall give Summons for them forthwith to appear before them; who ſhall adminiſter to them this Oath*:

Three mens Oath

YOU [*A. B.*] being choſen and appointed to end ſmall Cauſes not exceeding *forty ſhillings* value, according to the Laws of this Juriſdiction for this year enſueing; Do here Swear by the living God, that without favour or affection, according to your beſt light; you will true Judgement give, and make, in all the Cauſes that come before you: So help you God, &c.

Grand-Juries Oath

YOU Swear by the Living God, that you will diligently inquire and faithfully Preſent to this Court whatſoever you know to be a breach of any Law eſtabliſhed in this Juriſdiction according to the minde of God; And whatſoever Criminal Offences you apprehend fit to be here preſented, unleſs ſome neceſſary and Religious tye of Conſcience truely grounded upon the Word of God binde you to ſecreſie. And whatſoever ſhall be legally committed by this Court to your Judgement, you will return a true and juſt Verdict therein according to the Evidence given you, and the Laws Eſtabliſhed amongſt us: So help you God, &c.

Petty-Juries Oath

YOU Swear by the Living God, that in the Cauſe or Cauſes now legally to be committed to you by this Court; You will true Tryal make, and juſt Verdict give therein, according to the Evidence given you, and the Laws of this Juriſdiction: So help you God, &c.

Oath of Life and Death

YOU Do Swear by the Great Name of Almighty God; that you will well and truely try, and true deliverance make of ſuch Priſoners at the Bar, as you ſhall have in charge, according to your Evidence: So help you God, &c.

Witneſſes Oath

YOU Swear by the Living God, that the Evidence you ſhall give to this Court concerning the Cauſe now in queſtion, ſhall be the Truth, the whole Truth, and nothing but the Truth: So help you God, &c.

Untimely Death

YOU Swear by the Living God, that you will truely preſent the Cauſe and manner of the Death of [*J. B.*] according to Evidence, or the light of your Knowledge and Conſcience: So help you God, &c.

The Form of the Oath to be Adminiſtred to the Sergeant-Majors of the ſeveral Regiments, and ſo Mutatis Mutandis *to the other Military Officers.*

Sergeant Major & other chief Officers Oath.

WHereas you [*R. S.*] have been choſen to the Office of Sergeant Major of the Regiment, in the County of [*M.*] for this preſent year, and until another be choſen in your place; You do here Swear by the Living God, that by your beſt skil and ability, you will faithfully diſcharge

diſcharge the truſt committed to you, according to ſuch Commands and Directions as you ſhall from time to time, upon all occaſions receive from the Sergeant Major *General*, by virtue of his Commiſſion from the Court, and according to the Laws and Orders by this Court Made and Eſtabliſhed in this behalf: So help you *God*, &c.

YOU [*R. B.*] Swear truely to perform the Office of a Clerk of a Trained Band, to the utmoſt of your Ability or Endeavours, according to the particulars ſpecified, (and peculiar to your Office) in the Military Laws: So help you *God*, &c. *Clerk of the Band, Oath*

YOU ſhall faithfully Endeavour with all good Conſcience, to Diſcharge this truſt committed to you, as you ſhall apprehend to Conduce moſt to the ſafety of this Common-Wealth: You ſhall not by any ſiniſtre devices, or for any partial reſpects, or private ends, do any thing to the hindrance of the effects of any good and ſeaſonable Councils: You ſhall appoint or remove no Officer by any partiality, or for perſonal reſpects or other prejudice, but according to the merit of the perſon in your apprehenſions: You ſhall faithfully endeavour to ſee that Martial Diſcipline may be ſtrictly upholden, not eaſing or burthening any, otherwiſe then you ſhall judge to be juſt and equal: You ſhall uſe your power over mens lives, as the laſt and only means, which in your beſt apprehentions ſhall be moſt for the publick ſafety in ſueh caſe: *So* help you *God*, &c. *Commiſſioners of the Martial Diſcipline Oath*

WHereas you [*E. G.*] are choſen Conſtable within the Town of [*C.*] for one year now following, and until other be ſworn in the place: You do here Swear by the Name of Almighty God, that you will carefully intend the preſervation of the Peace, the diſcovery and preventing all attempts againſt the ſame: You ſhall duely execute all Warrants which ſhall be ſent unto you from lawful Authority here Eſtabliſhed, and ſhall faithfully execute all ſuch Orders of Court as are committed to your care: And in all theſe things you ſhall deal ſeriouſly and faithfully while you ſhall be in Office, without any ſiniſtre reſpects of favour or diſpleaſure: So help you God, &c. *Conſtables Oath*

WHereas you [*I. G.*] are choſen an Officer for the Searching and Sealing of Leather, within the Town where you now dwell, for the ſpace of a year, and till another be choſen and ſworn in your room; You do here Swear by the Ever living God, that you will carefully and duely attend the Execution of your ſaid Office with all faithfulneſs for the good of the Common-wealth, according to the true intent of the Laws in ſuch caſe provided: So help you God, &c. *Leather ſealers Oath*

Clerk of Markets Oath

YOU [*C. D.*] here Swear by the Ever living God, that you will from time to time, faithfully execute your Office of Clerk of the Market in the Limits whereto you are appointed for the ensueing Year, and till another be chosen and sworn in your place: And that you will do therein impartially, according to the Laws here established in all things to which your Office hath relation: So help you God, &c.

Searchers Oath

YOU [*S. S.*] do here Swear by the Ever living God, that you will to your power faithfully execute the Office of a Searcher for this year ensueing, and till another be chosen and sworn in your place concerning all Goods prohibited, and in special for Gun-powder, Shot, Lead, and Amunition: and that you will diligently search all Vessels, Carriages, and Persons that you shall know, suspect or be informed, are about to transport or carry any thing out of this Jurisdiction contrary to Law. And that you will impartially seize, take, and keep the same in your own Custody: one half part whereof shall be for your service in the said place, the other you shall forthwith deliver to the Treasurer: All which Goods so seized and disposed you shall certifie under your hand to the Auditor General within one moneth from time to time: So help you God, &c.

Apprizers Oath

WHereas you [*T. D.*] are chosen Apprizer of such Land or Goods as are now to be presented to you; You do here Swear by the living God, that all partiality, prejudice and other sinistre respects laid aside, you shall Apprize the same, and every part thereof, according to the true and just value thereof at this present by common account by your best judgement and conscience: So help you God, &c.

Viewers of Pipe-staves Oath

WHereas you [*J. B.*] are chosen Viewer of Pipe-staves within the Town of [*B.*] You do here Swear by the Ever living God, that at all convenient times while you shall be in place, when you shall be required to execute your Office, you shall diligently attend the same, and shall faithfully without any sinistre respects, Try and Sort all Pipe-staves presented to you, and to make a true Entry thereof according to Law: So help you God, &c.

Customers Oath.

WHereas you [*A. B.*] are chosen Customer for the year ensueing, You do here Swear by the Ever living God, that you will from time to time faithfully execute your Office to your best skill, according to the Orders of this Court, for the Custome of all such Goods as are Imported or Exported, due by Law unto the Country, and all other things belonging to your Office, and to give a true Accompt to the Treasurer at the end of every three Moneths from time to time, or when you shall by Law be thereunto required: So help you God, &c.

You

YOU Swear, &c. That you ſhall Impartially view ſuch Fiſh as are preſented before you, and determine what part thereof is Merchantable, and which is Refuſe Fiſh and un-Merchantable, according to your beſt skill, knowledge and judgement: So help you God, &c. *Viewers of Fiſh Oath.*

WHereas you [*A. B.*] are choſen a Packer of Beef, Pork, and other things for the Town of [*B.*] You do here Swear by the Living God, that you will well and truely Pack all Beef, Pork, and other things when you ſhall be thereunto required; You ſhall Pack no kinde of Goods but ſuch as are good and ſound, nor any Goods in any Cask that is not of a juſt and full Gage; You ſhall alſo ſet your particular Mark upon all Cask Packed by you, and in all things proper to the place of a Packer, you ſhall faithfully diſcharge the ſame from time to time according to your beſt Judgement and Conſcience: So help you God in our Lord Jeſus Chriſt. [*1652.*] *Packers Oath.*

FINIS.

ERRATA.

PAge 1. line 8 read & *May 1671.* in *Bondſlavery* l. 3. r. or ſhall *for* as. Coopers p. 17. l. 12. r. pag. 64. l. 24. r. pag. 88. p. 40. l. 4 r. the Subſcription l. 9. r. Adminiſtrators. p. 46. l. 5 r. Miniſtry. l. 12. r. Heterodox. l. *ult.* r. *1668.* p. 54. ſect. 2. of Fornication. l. 2. r. pag. 33. & after Puniſhment r. pag. 67. p. 56. l. 28. r. priviledge. l. 30. r. ſuffrage. p. 57. l. 2. *dele.* made. p. 77. l. 22. r. appoint thereunto p. 84. l. 31. r. being thereof. p. 70. l. 2. r. pag. 39. p. 116. l. 1. r. relating p. 80. l. 27. r. expreſſed. p. 15. for Sect. 18. r. 14. for. 17. r. 16. next page r. folio 16. l. 6. r. that. p. 102. l. 21. r. 1670. p. 9. l. laſt but one r. Feoffees in l. *ult.* r. 1671. p. 73. l. 8. r. are p. 134. l. 17. r. proceed. p. 155. l. 11. r. Explication.